

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44060-2019 (O&M)

Date of Decision:- 22.10.2019

Dalveer Singh @ Noni

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurmeet Singh, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab assisted by SI Harpal Singh.

Mr. Nirmaljeet Singh Sidhu, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.155 dated 12.8.2019 under Sections 376-D IPC at Police Station Khanna City-2, District Khanna.
2. The FIR was registered at the instance of prosecutrix wherein it has been alleged that she was married to Raj Kumar about 12 years back but there was a matrimonial discord between them due to which she was residing separately. It is further stated therein that she, however, came in touch with the petitioner who held out a promise to marry her. It is further stated therein that on 26.2.2009, petitioner and his friend took her to Anandpur Sahib where Noni affixed his signatures in a register and also gave his identity proof and then she was taken to a room where she was given a tablet and upon consuming the same, she became unconscious and after regaining consciousness she found that the petitioner and his friend had removed her

clothes. Due to drowsiness, she could not oppose them and they committed rape upon her.

3. The learned counsel for the petitioner has submitted that the FIR came to be lodged due to some misunderstanding, which has now been resolved and the parties have compromised/patched up the matter.
4. At this state, Shri Nirmaljeet Singh Sidhu, Advocate has put in appearance, who has filed power of attorney on behalf of the complainant, who is present in person. and upon a query made by this Court, the aforesaid complainant admitted that a compromise has been effected amongst the parties and that she has no objection for grant of bail to the petitioner. Although, the police official who has come with the police file has expressed inability to identify the prosecutrix on the ground that he is not the Investigating Officer but since the learned counsel for the complainant has identified and has also furnished a copy of Aadhar Card of the prosecutrix, which has been handed over to the Investigating Officer, this Court does not find any ground to doubt the identity of the prosecutrix.
5. In view of the aforestated fact wherein matter is stated to be compromised, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. This petition stands disposed of accordingly.

22.10.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No