

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

**CRM-M-14366-2020 (O&M)
DATE OF DECISION : 13.08.2020**

Gurdeep Singh @ Mithi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Lalit Chander Sharma, Advocate,
For the complainant.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail in case FIR No.16 dated 05.03.2020 under Section 376 (2)(N) IPC, registered at Police Station Thuliwal, District Barnala.

2. Per allegations in the FIR, the petitioner, who happen to be cousin brother-in-law of the complainant/prosecutrix, committed rape upon her.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case as there is delay of one day in lodging the FIR. He further contends that there is no medical record to show that rape was committed upon the prosecutrix.

4. Learned counsel for the petitioner further contends that there has been a terrible misunderstanding between the parties who are related to each

other and they have now compromised the matter. Investigation in the case is complete and challan has already been presented. Therefore, custodial interrogation of the petitioner is not required.

5. On a query of the Court, learned State counsel as well as learned counsel for the complainant does not controvert the factum of compromise arrived at between the parties contained at Annexures P-2 to P-4.

6. I have heard learned counsel for the petitioner as also learned State counsel and learned counsel for the complainant.

7. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is already over and challan has already been filed. Moreover, the parties have also compromised the matter, though the same would be considered by trial court, in accordance with law. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions caused due to COVID-19.

8. In the premise, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

August 13th 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No