

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

**CRM-M-16659-2020 (O&M)
Date of decision: 14.07.2020**

Raj Kumar @ Bander

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Ms. S.P.S. Tinna, Addl. A.G., Punjab.

Mr. Davinder Kumar, Advocate,
for respondent Nos.2 and 3.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.123 dated 20.09.2018, under Sections 376 IPC and Sections 4/8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station, City Rampura, District Bathinda.

Learned counsel for the petitioner contends that as per the prosecutrix, the incident took place at 2.00 A.M. on 17.09.2018 in the house of complainant, where her entire family was sleeping. The allegation is that the petitioner came and committed illegal act with the prosecutrix. Learned counsel further contends that commission of offence under Section 376 IPC was not possible when the entire family of prosecutrix was sleeping in the house.

A perusal of the order dated 16.06.2020 (Annexure P-3) passed by the Additional Sessions Judge, Bathinda shows that both the parties have entered into a compromise.

Learned counsel for the complainant is not disputing the compromise having been effected between the parties.

Learned State counsel, on instructions, informs that as per custody certificate, petitioner is in custody for the last about 05 months and 05 days.

Heard.

Keeping in view that the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Bathinda.

14.07.2020
ajp

(RITU BAHRI)
JUDGE

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