

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

206**CRM-M-17366-2020 (O&M)****Date of decision: 17.08.2020****Mahesh Kumar****.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Abhay Kumar Sharma, Advocate, for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Mahesh Kumar, stated to be aged 18 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.279 dated 25.10.2019, under Sections 363 and 366A of IPC, registered at Police Station City Phagwara, on the basis of compromise dated 20.03.2020 (Annexure P-3).

Learned counsel for the petitioner, based on pleadings, submits that in fact, a perusal of the challan would show that the investigation does not support the allegations in the FIR. Learned counsel further submits that even the statement so recorded of the prosecutrix, also shows that at her own free will, she moved along with the petitioner. He, however, makes reference to the compromise deed dated 20.03.2020 (Annexure P-3) entered into between the parties, whereby the parties have decided not to pursue the criminal or civil case against each other.

Learned State counsel, on instructions from ASI Sukhwinder Singh, submits that there are total of 16 witnesses, but, none has been examined till date. He further submits that the matter is still to be committed to Sessions Court and the next date fixed for hearing is 20.08.2020.

Faced with the situation, learned counsel for the petitioner submits that the trial is likely to take some time as till date, no witness has been examined. He then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the fact that trial is likely to take some time due to COVID-19 and also the fact that the parties have entered into a compromise, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

17.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No