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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.18147 of 2020 (O&M)
Decided on: 16.10.2020

Aashak Hussain

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Imran Ahmad Ali, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Raj Sumer Singh, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0028 dated 07.03.2020 registered under Sections 376, 506 IPC and 10 of the Protection of the Children from Sexual Offences Act, at Police Station Mahilpur, District Hoshiarpur.

Counsel for the petitioner has argued that the victim 'N' (name not disclosed) is the sister of the petitioner's wife and the allegations in the FIR are that the petitioner has committed rape upon her.

On the request of counsel for the petitioner that some settlement has arrived at between the parties, the trial Court was directed to record the statement of the victim and submit the report.

The trial Court has submitted a report dated 13.10.2020, after recording the statement of the victim 'N', aged 18 years wherein she has stated that she has no objection, if the petitioner is released on

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bail as a compromise has been effected between her and the accused before the Panchayat in writing in presence of her relatives and respectables of the village and the same is without any pressure or influence on her.

The Aadhar Card, in support of her age was also taken on record.

The trial Court has also recorded the statement of one Member Panchayat of Gram Panchayat, Village Kewa Bunjwah, District Kishatwar Banoon (J&K), who state that he is a close relative of the victim and he identified her. It is further stated that a compromise has been effected between them.

Counsel for the petitioner has further submitted that the petitioner is in custody since 08.03.2020 and due to COVID-19 situation, it will take some time in conclusion of the trial.

Counsel for the State could not dispute the factual position, however, opposed the prayer for bail.

Without commenting anything on merits of the case, considering the report of the trial Court and also the fact that the petitioner is in custody since 08.03.2020; the matter has been compromised; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

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cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.10.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No