

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

CRM-M-21442 of 2020

DATE OF DECISION : 04.08.2020

PARVEEN KUMAR @ HAPPY

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Tripathi, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail in case FIR No.51 dated 07.03.2020 under Section 4 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "the POCSO Act") and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Rampura, District Rewari.

2. As per allegations of the FIR, petitioner committed rape upon the prosecutrix/complainant, who was 17 years old at the time of occurrence and threatened her with dire consequences. The prosecutrix reiterated the allegations as contained in the FIR, in her statement made under Section 164 Cr.P.C.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case, as the complaint which led to

registration of FIR in question, was made by the prosecutrix under force and pressure of her parents. There is delay of about two months in registration of FIR. Whatever happened was consensual between the petitioner and the prosecutrix, he further urges.

4. Learned counsel for the petitioner further contends that it is admitted fact that petitioner and prosecutrix were known to each other for the last one year. She herself admitted that she was having friendly relationship with the petitioner and they also used to have telephonic conversation with each other. He further submits that with the intervention of respectable, now the matter has been compromised. He argues that Challan has been filed and therefore, custody of the petitioner even otherwise is not required in any manner.

5. Notice of motion

6. Mr. Vikrant Pamboo, DAG, Haryana, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana.

7. On a query of the Court, learned State counsel, under instructions submits that the factum of compromise between the parties has been verified by the concerned police official and the same has been found to be true. Further more, he also does not controvert that challan has already been presented and investigation in the case is over. Further custodial interrogation of the petitioner is not required.

8. Having heard learned counsel for the petitioner, as also learned State counsel, I am 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 also been filed.

9. It is admitted position that compromise has taken place between the parties. The prosecutrix seems to have made complaint under the pressure of her parents, which led to registration of FIR in question. The petitioner is stated to be in custody since 15.03.2020. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions due to COVID-19.

10. 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/Illaq Magistrate/ Duty Magistrate, as the case may be.

(ARUN MONGA)
JUDGE

AUGUST 04, 2020
Shalini

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No