

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

213

CRM-M No.21591 of 2020 (O&M)

Date of decision:25.09.2020

Sandeep Masih @ Ajay

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kamal Singh, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Surjeet Singh Sodhi, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-24127-2020

Prayer in the application is for placing on record affidavit of Sukhwinder Masih, complainant, in support of the compromise, Annexure P-3.

Notice of the application to the non-applicants.

Mr. Kamal Singh, Advocate for the petitioner and Mr. Sukhbeer Singh, AAG, Punjab, accept notice. They do not have any objection, in case, the prayer is acceded to.

Application is allowed.

Annexure P-5 is taken on record.

Main case

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.77, dated 22.10.2017 registered under Sections 363, 366-A, 506 of IPC and Section 8 of POCSO Act, at Police Station Tibbar, District Gurdaspur (though offence under Section 366-A IPC and Section 8 of POCSO Act has been deleted at the time of filing the final report under Section 173 Cr.P.C.)

Counsel for the petitioner submits that FIR was lodged by the father of the prosecutrix on the allegation that his daughter has been kidnapped by the petitioner. Counsel submits that the petitioner has married prosecutrix and he was staying happily with her till his arrest on 12.02.2020. He has referred to the affidavit, dated 22.09.2020, Annexure P-5, of the complainant wherein he has confirmed this fact.

State counsel submits that the affidavit of complainant has been verified and found to be correct. Counsel for complainant-respondent No.2 asserts that a compromise was arrived at between the parties on the basis of which respondent No.2 executed the affidavit, Annexure P-5.

I have considered the submissions of the parties.

By order dated 04.09.2020, this Court directed the State to verify the affidavit filed by the complainant. In response thereto, status report dated 16.09.2020 by way of affidavit of DSP, City Gurdaspur, has been filed on behalf of the State. Same is taken on record. In the affidavit, it has been deposed as under:-

“3. That during the verify that (sic verification) the compromise (Panchayati Razinama) is found to be correct. It is also submitted that the statement of the complainant (respondent No.2) was got recorded by SI Parlad Singh of Police Station Tibber on 06.09.2020 that the complainant stated that he does not further any (sic want any further) action in this case.”

Considering the fact that the petitioner has married prosecutrix and in view of the affidavit submitted by the complainant, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

25.09.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No