

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

CRM-M-23002-2020(O&M)

Date of decision: 30.09.2020

Ramesh @ Ramsi

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajay Vijarania, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

Mr. Sumit Sangwan, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 217 dated 14.09.2019 registered under Sections 34 and 376 IPC at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner states that at this stage a compromise has been effected with the prosecutrix on 23.05.2020 (Annexure P-6).

In the cases, involving the offence of Section 376 IPC, the statement of the prosecutrix is of vital relevance. In the present case, such statement has not been recorded as yet. Therefore, at this stage no case is made out for grant of regular bail to the petitioner.

Even if a compromise has been effected between the parties, the same would be of no relevance for the reasons that it has no legal validity, the offence being under Section 376 IPC.

Faced with this situation, the learned counsel for the petitioner contends that the present petition may be disposed of with a direction to the learned trial Court to record the statement of the prosecutrix within a stipulated period preferably on the next date of hearing i.e. 10.11.2020.

In view of the above, the present petition is disposed of with a direction to the learned trial Court to record the statement of the prosecutrix on the date fixed or on any other convenient date, through video conferencing, if available.

(HARNARESH SINGH GILL)
JUDGE

30.09.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No