

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27961 of 2020
Date of Decision :18.09.2020

Dinesh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Devender Kumar, Advocate for the petitioner.
Mr. Kiranpal Singh, AAG, Haryana.
Mr. Karan Singh, Advocate for the complainant.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

The petitioner prays for a regular bail under Section 439 of Cr.P.C in FIR No.100 dated 29.12.2019, under Sections 323, 452, 376 and 506 of IPC, registered at Police Station Women Palwal, District Palwal.

In brief, as per the prosecution version it was on the intervening night of 28/29/12/2019, at about 4.00 AM, when the complainant/prosecutrix was sleeping with her children and her husband, who is a professional truck driver and was away, the petitioner barged inside her house. He assaulted the prosecutrix and then took her to another room where she was forcibly raped.

Learned counsel for the petitioner submits that implication of the petitioner is apparently false. And, even otherwise the dispute between the parties stands amicably resolved, pursuant to a settlement/compromise deed dated 02.09.2020 (Annexure P-2). Even the affidavit of the prosecutrix, in support of the said compromise, has also been appended as

Annexure P-3. The challan has been presented and the petitioner is in custody since 30.12.2019.

As opposed to this, learned State counsel submits that for there are specific allegations against the petitioner, he does not deserve the concession of bail. However, it is not disputed that petitioner is in custody for the past 9 months.

Whereas, learned counsel for the complainant submits that with the intervention of the respectable and family members of the parties, the matter has since been settled, vide compromise deed dated 02.09.2020 (Annexure P-2). Thus, he submits that complainant has no objection if the petitioner is released on bail.

In the wake of the above, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/ Duty Magistrate, Palwal.

Needless to assert that this order as also the observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

18.09.2020
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No