

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

213

**CRM-M-30564-2020
Decided on : 15.10.2020**

Rajesh Kumar @ Rakesh Kumar @ Rinku	...	Petitioner
	Versus	
State of Punjab & another		... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.P.S.Bal, Advocate, for the petitioner.

Mr.Hittan Nehra, Addl.A.G., Punjab.

Mr.M.S.Rana, Advocate, for respondent No.2.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.126 dated 15.08.2020 under Sections 376, 323, 120-B, 506 IPC registered at Police Station Khanna City-2, Police District Khanna District Ludhiana.

Reliance has been placed by counsel for the petitioner upon the compromise dated 24.08.2020 (Annexure P-2) arrived at between the parties, executed before the arrest of the petitioner on 26.08.2020. It is submitted that the complainant is 39 years of age and the parties have agreed to marry.

A perusal of the FIR would also go on to show that allegations are that the complainant was earlier married and has a girl child aged 14 years and she was living with her brother when the alleged incident had happened. The allegations are of being dragged in a room and of rape.

Counsel for the petitioner has also submitted that the FIR was, thus lodged only on the ground that the brother had arrived at the spot on account of discovery of relationship and the petitioner has been falsely implicated.

Custody certificate dated 15.10.2020 has also been placed on record by the State Counsel showing petitioner's detention of 1 month 16 days. It also shows that the petitioner's antecedents are clean as there are no other criminal proceedings pending against him. State Counsel, on instructions from ASI-Sukhdev Singh has stated that the factum of compromise is stated to be correct.

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Mr.Rana has also vouched for the said compromise and undertakes to file his power of attorney in the office, during the course of the day.

Accordingly, keeping in view the above background and since the investigation is yet to be completed and considerable time would be taken in the trial of the case, no useful purpose would be served by keeping the petitioner in further detention.

Accordingly, in view of the above, the present petition is allowed and the petitioner be released on regular bail, to the satisfaction of the Ilaqa/Duty Magistrate, Ludhiana.

**(G.S. SANDHAWALIA)
JUDGE**

OCTOBER 15, 2020
sailsh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No