

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

CRM-M-31647-2020(O&M)
Date of decision: 23.11.2020

Baljinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Puja Chopra, Advocate for the petitioners.

Mr. P.S. Walia, AAG Punjab.

Mr. Tapish Gupta, Advocate for complainant-respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-28622-2020

Prayer in the present application is to place on record the amended memo of parties.

Learned State counsel has no objection, if the present application is allowed.

For the reasons mentioned in the application with no objection from the learned State counsel, the same is allowed and amended memo of parties is taken on record.

Registry is directed to place on record the amended memo of parties at an appropriate place.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 104 dated 09.08.2020 registered under Section 376 IPC at Police Station Julkan, District Patiala.

Learned counsel for the petitioner states that the petitioner as well as respondent No.2-complainant are major and neighbours and at one stage they developed liking for each other. At a later stage, the family members of respondent No. 2 came to know about their relationship due to which the present FIR was got registered and thereafter, with the intervention of panchayat members and respectables of the village, the misunderstanding between the parties was removed and a compromise (Annexure P-2) was effected. Learned counsel for the petitioner further submits that the statement of respondent No. 2 was not recorded correctly by the police. The compromise has signed by the mothers of the petitioner and respondents No. 2 as both of them had lost their fathers.

In support of her case, learned counsel for the petitioner refers to a judgment dated 08.07.2016 of this Court passed in ***CRM-M-20643 of 2016*** titled as '***Kamaljit Sigh Vs. State of Punjab***'.

Copy of custody certificate by way of affidavit dated 23.11.2020 of the Deputy Superintendent, Central Prison, Patiala, submitted by the learned State counsel through email, is taken on record. He points out that respondent No.2-complainant in her statement recorded under Section 164

Cr.P.C. recorded on 13.08.2020 has supported the version of the prosecution but not disputed the factum of compromise. Charges stand framed.

Learned counsel for the complainant has not disputed the factum of compromise effected between the parties and complainant-respondent No. 2 does not want to pursue the case against the petitioner.

I have heard the learned counsel for the parties.

The petitioner and respondent No. 2-complainant are major and residing in the same village and the compromise has been effected between the parties with the intervention of the panchayat members and respectables of the village and the petitioner and respondent No. 2 had lost their fathers and the compromise has also been signed by their mothers. Since complainant-respondent No. 2 has taken decision not to pursue the case against the petitioner as compromise dated 24.09.2020 is appended as Annexure P-2 and the petitioner is in custody for more than 3 months.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

23.11.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No