

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

CRM-M-40058 of 2020.

Decided on:- December 17, 2020.

Tarun.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rahul Gautam, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the third petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.57 dated 20.09.2017 under Sections 506 and 120-B IPC, Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Women Police Station, Panipat, District Panipat.

Whereas the first petition filed by the petitioner for the similar relief i.e. **CRM-M-7554 of 2018** was dismissed by this Court vide order dated

07.09.2018, the second petition i.e. ***CRM-M-3776 of 2019*** was dismissed as withdrawn vide order dated March 08, 2019 passed by this Court.

As per the FIR, the victim, daughter of the complainant, is aged about 9 years and a student of class IV in Millennium School, Ansal City, Panipat. On 20.09.2017 at about 09.30 A.M., Smt. Geetika mother of the victim received a telephonic call from the school teacher, namely, Ritu Bedi that the victim was weeping and somebody had hurt her on her back and breast. Thereafter, complainant Saurabh Pruthi and his wife Geetika brought the victim from the school to home. The victim was terrorised and was under stress. She kept on weeping continuously. At about 02.30 P.M., photo of marks of injury on the body of victim was forwarded to the Principal of the school. Later on, the victim told her father that a person, who was wearing green clothes, caught hold of her with bad intention in the wash room of girls in the school and pressed heavy on her back and breast. He threatened her that if she told anybody, then he would teach her a lesson on the next day. The matter was reported to the Principal of the school, but he tried to hush up the same. Thereafter, on a written complaint submitted by the complainant, formal FIR was registered in the case.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 21.09.2017, the matter has been compromised between the parties. He has referred to Panchayati Mutual Compromise dated 29.08.2019 (Annexure P-2) and submitted that the petitioner has filed a separate petition seeking quashing of the FIR in question on the basis of compromise, wherein the parties have been directed to get

their statements recorded before the trial Court in support of compromise. That petition is listed for hearing before this Court on 02.02.2021.

Learned State counsel has argued that in the present case, trial is at the verge of conclusion as all the prosecution witnesses have been examined before the trial Court. Even the statement of petitioner-accused under Section 313 Cr.P.C. has been recorded. It is because of the petition filed by the petitioner seeking quashing of FIR on the basis of compromise, the trial is not proceeding ahead.

She has further submitted that even the Panchayati Mutual Compromise dated 29.08.2019 (Annexure P-2), the petitioner-accused has begged pardon though the complainant has statedly pardoned the petitioner, as reflected in paragraph No.2 of the Panchayati Mutual Compromise dated 29.08.2019 (Annexure P-2).

I have heard learned counsel for the parties.

The petitioner is in custody since 21.09.2017. No doubt, the petitioner has filed a separate petition seeking quashing of the FIR in question on the basis of compromise and that petition is listing for hearing on 02.02.2021. In this petition, no stay was granted by this Court, but the trial is yet to be concluded. At this stage, considering the period of custody of the petitioner, which is more than 3 years and 3 months, this Court deems it appropriate to admit the petitioner on bail.

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

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No