

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

CRM-M-42905-2020

Date of decision : 23.12.2020

HARDEEP SINGH @ GUGA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. A.P.S.Tung, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Sartaj Singh Thakur, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.52 dated 06.08.2019 under Sections 376 of Indian Penal Code, 1860, registered at Police Station Khanuwan, District Gurdaspur.

Learned counsel for the petitioner would contend that the complainant in the present case had got the FIR registered on the basis of some misunderstanding and, thereafter, the complainant and the petitioner compromised the matter. The compromise has been appended with the petition as Annexure P-3. On the basis of the said compromise, the petitioner has also filed a quashing petition being CRM-M-41372-2019 in which the parties have been directed to appear before the Illaqa Magistrate/Trial Court for recording of the statements. He further contends that statement of the parties have also since been recorded,

however, the matter could not be taken up due to a heavy board.

Learned State counsel on instructions from ASI Tarlok Chand is not in a position to deny that the complainant and the petitioner have since got married and a quashing petition has also been filed in this Court wherein their statements have already been recorded.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 23, 2020

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**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**