

CRM-M-5125-2021 (O&M)

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

**CRM-M-5125-2021 (O&M).
Decided on: February 8, 2021.**

Varun Singh

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.S.D.Bishnoi, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

**Ms.Anisha Sharma, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.121 dated 22.8.2020, under Sections 323, 376 and 506 IPC, registered at Police Station Sector 20, Panchkula.

As per the allegations contained in the FIR lodged by the complainant, she met the petitioner in the year 2018 and then she had

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chat/talk with him and the petitioner agreed to marry her and that she also wanted to marry him.

On 2.11.2019, the petitioner had come to meet her father at her house and thereafter, petitioner got her met with his brother Harshwardhan and told that he will marry with the complainant/prosecutrix. Thereafter, the petitioner took her to a hotel and forcibly made physical relations with her. Petitioner and his brother Harshwardhan used to demand money from her many times and they also took Rs.50,000/- from her and thereafter, also petitioner made physical relations with her although she was not ready for the same.

Learned counsel for the petitioner has submitted that it is a case where the petitioner as well as the prosecutrix are of the age of 21 years and above and were major and some differences arose between them and the prosecutrix filed the present false FIR against the petitioner. He further submitted that co-accused of the petitioner namely Harshwardhan has already been declared innocent by the police during investigation. He has further submitted that the petitioner is in custody since 28.8.2020 and investigation in the case is complete and challan stands already presented before the court of competent jurisdiction. He has further submitted that the petitioner is not involved in any other case. He has further relied upon the affidavit given by the complainant herself Annexure P-4, where she has stated that she does not want to proceed with the present case against the petitioner.

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On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 28.8.2020 and investigation in the case is complete and challan stands already presented. However, he has submitted that the matter is serious in nature and the petitioner be not granted the concession of regular bail.

Learned counsel appearing on behalf of the complainant/prosecutrix has stated that it is correct that affidavit Annexure P-4, has been furnished by the complainant before the police that she does not want to proceed with the prosecution.

I have heard the learned counsel for the parties.

So far as the affidavit Annexure P-4, is concerned, it is settled law that there can be no compromise in serious offences like under Section 376 IPC in normal circumstances. However, for the purpose of considering the grant of regular bail various other factors are to be seen, at this stage. The petitioner is in custody for the last approximately six months and investigation is already complete and report under Section 173 Cr.P.C. stands presented. It is not the case of the State that in case the petitioner is released on bail, he may influence the witnesses or tamper with the evidence.

Therefore, since the trial of the case may take long time, this Court deems it fit and proper to allow the present petition. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be

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treated as an expression of opinion on merits of the case and is meant only
for the purpose of decision of present petition.

February 8, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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