

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

CRM-M- 3793-2020 (O&M)

Date of Decision: 02.08.2021

(Heard through VC)

Bintu Singh alias Jaggu

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Amit Choudhary, Advocate
for respondent Nos. 2 to 4.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 48 dated 18.05.2019 under Sections 354(1) (i) of Indian Penal Code and Section 8 of the POCSO Act (Section 376 (1) IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 subsequently added) registered at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. It is argued that petitioner is in

custody since 20.05.2019 and that no offence under Section 376 IPC is made out. Statement of the prosecutrix has already been recorded. It is further argued that the matter has been compromised between the parties wherein it has been decided that the petitioner and the prosecutrix would solemnise marriage after the release of the petitioner. Since the trial is likely to take some time to conclude, therefore, the custody of the petitioner would no longer be required.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, he does not dispute the fact that the matter has been compromised between the parties.

Learned counsel appearing for respondent Nos. 2 to 4 admits to the factum of the compromise and does not oppose the grant of regular bail to the petitioner as there is a compromise between the parties to the effect that marriage would be solemnized between the petitioner and the victim after the release of the petitioner.

I have heard learned counsel for the parties and have also perused the paper book. The trial is likely to take some time to conclude owing to present COVID-19 pandemic situation. The statement of the prosecutrix has been recorded. The matter is stated to have been compromised between the petitioner and the complainant, who is none other than the father of the prosecutrix. In the aforesaid facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner

is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

02.08.2021
seema goran

(JAISHREE THAKUR)
JUDGE

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