

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

214

CRM-M-5685-2021 (O&M)

Date of Decision: 22.03.2021

SHAHSNAK DUBEY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G. Punjab.

Mr. J.S Lalli, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Mr. J.S. Lalli Advocate appears and files power of attorney on behalf of complainant through e-mail, which is taken on record.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.231 dated 17.12.2020, registered under Sections 376, 420, 494 495 IPC, at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner states that the marriage of the petitioner with the complainant was solemnized on 28.04.2019 and it was thereafter, the complainant came to know that the divorce proceedings of the petitioner from his ex-wife, were pending due to which the present FIR was lodged. He further states that out of the said wedlock, one child was born. The petitioner has been in custody since 08.01.2021.

Learned counsel for the petitioner further states that now a compromise has been effected between the parties and qua that effect an affidavit dated 25.01.2021 of Neelam Kumari-complainant filed through email,

is taken on record. Now, the complainant and the petitioner are residing together in the house owned by the petitioner and he is looking after her well. He further states that now the complainant does not want to pursue with the present case.

In support of his contentions, learned counsel for the petitioner relies upon the judgment passed by a Coordinate Bench of this Court in case Rekha vs State of Haryana and Another 2019 (4) RCR (Criminal) 294.

Learned State counsel while opposing the prayer for grant of regular bail has categorically stated that he is not aware about the factum of compromise effected between the parties. He, however, has not disputed the factum of custody period of the petitioner.

Learned counsel for the complainant has not disputed the factum of the compromise effected between the parties.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.01.2021. A compromise has already been effected between the parties. Trial of the case would take long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bar.

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

22.03.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No