

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-10260-2021

Date of decision: - 24.08.2021

Gurprem Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Yagyaang Ajay, Advocate
for the petitioner.

Mr. Saurav Khruana, Deputy Advocate General, Punjab.

Ms. Drishtana Singh, Advocate
for respondents No.2 to 4.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.230 dated 01.11.2019, registered under Sections 363, 366-A, 376 & 120-B IPC and Section 4 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that in the present case both petitioner as well as the prosecutrix decided to spend their life together, though they were minor in age. Learned counsel for the petitioner further argues that petitioner and minor prosecutrix were living

together when the complainant i.e. father of the prosecutrix filed a complaint on the basis of which the present FIR was registered. Learned counsel for the petitioner submits that petitioner is behind bars for the last approximately two years. Learned counsel for the petitioner further submits that now both the families have compromised and the complainant as well as the prosecutrix have no objection in case the petitioner is granted the regular bail.

Learned State counsel submits that the allegations against the petitioner are serious though the minor had gone along with him without any objection.

Learned counsel appearing on behalf of the complainant submits that the parties have sat together and in order to live peaceful life, they have decided not to oppose the present petition as the prosecutrix is already living with her parents.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the challan has already been presented, though the charges are yet to be framed.

Keeping in view the facts and circumstances, which have been narrated hereinbefore, as the parties have compromised and the present petition is not being opposed by the complainant and the petitioner, who is a young man, is in custody for the last approximately two years, no useful purpose will be served by keeping him behind the bars any further during the trial and the trial is likely to take some time to conclude.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 24, 2021
naresh.k

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No