

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12093-2021 (O&M)

Date of decision: 12.11.2021

Malkiat Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Rawat, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-27405-2021

For the reasons stated in the application, same is allowed and
affidavit of the complainant is taken on record as Annexure P-4.

CRM stands disposed of.

CRM-M-12093-2021

Prayer in this 2nd petition is for grant of regular bail in FIR No.0053
dated 01.05.2019 under Sections 376, 506 IPC, registered at Police Station
Maqsudan, District Jalandhar Rural; earlier one was dismissed as withdrawn on
26.10.2020.

Learned counsel for the petitioner submits that as per allegations in

the FIR, registered at the instance of 'N', she was acquainted with one Sunny Kumar, as they were studying together and on the pretext of celebrating her birthday, he took her to the house of his friend, where other friends were also there. He gave some intoxicant in a cold drink to the victim and thereafter, she became unconscious and committed rape on her. It is further submitted that the petitioner is only referred to as friend of Sunny Kumar in the FIR and there is no direct allegation against him. It is also submitted that the petitioner is in custody for the last about 01 year and 04 months and is not involved in any other case and now the matter has been compromised and the complainant has sworn an affidavit dated 26.03.2021 (Annexure P-4), attested by Notary Public that she do not want to proceed with the case, as the dispute has been settled.

Learned State counsel, assisted by learned counsel for the complainant, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No