

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

CRM-M No.17690 of 2021 (O&M)

Date of Decision:29.07.2021

(Heard through VC)

Yadwinder Singh @ Jaadu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. C.S. Jattana, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in FIR No.26 dated 01.03.2021
registered under Sections 354 IPC and Section 8 of the POCSO Act at
Police Station Baghapurana, District Moga.

Learned counsel for the petitioner herein would contend that
the petitioner has been falsely implicated in the said FIR. It is argued that
the daughter of the complainant and the petitioner were known to each
other. In fact, a compromise has arrived at between the parties and the
complainant has furnished an affidavit, which is Annexure P-2 on record,
wherein she stated that she does not want to proceed with the case any
further and has no objection in case the petitioner is released on bail. The
investigation has been completed and the challan stands presented,

therefore, custody of the petitioner would no longer be required.

At this stage, appearance has been caused on behalf of the complainant, who would submit that the complainant has no objection in case regular bail is allowed to the petitioner herein.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner, however, is not in a position to dispute the fact that investigation has been completed and the challan stands presented.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and moreover, the matter has been compromised between the parties and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond 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. If the petitioner is found indulging in any similar activity, the respondent-State would be at liberty to move an appropriate application for cancellation of bail granted to the petitioner.

July 29, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No