

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

CRM-M No.27435 of 2021 (O&M)

Date of Decision:29.07.2021

(Heard through VC)

Raj Kumar @ Raju

...Petitioner

Versus

State of U.T., Chandigarh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Karan Singla, Advocate
for the petitioner.

Mr. Shashank Bhandari, APP, U.T., Chandigarh.

Ms. Nikita Sharma, 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.108 dated 14.05.2020
registered under Sections 363 and 366 IPC at Police Station, Mauli Jagran.

Learned counsel for the petitioner herein would contend that
the petitioner has been falsely implicated in the said FIR. In fact, the
petitioner and the prosecutrix had solemnized marriage and she is presently
living with the family of the petitioner. Moreover, the matter has been
compromised between the parties and the complainant has given an
affidavit, which is available on record as Annexure P-4, to the effect that he
has no objection in case the petitioner is released on bail. The investigation
has been completed and the challan stands presented and therefore, custody
of the petitioner would no longer be required.

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

At this stage, appearance has been caused on behalf of the complainant, who admits to the factum of compromise and submits that the complainant has no objection in case the petitioner is granted concession of bail.

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, 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.

July 29, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No