

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-33025-2020 (O & M)
Date of Decision: January 05, 2021**

DEVI DAYAL @ SAGAR SAINI

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Arun Singla, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

CRM-28644-2020

This application is for placing on record the affidavit of the complainant and Aadhar card as Annexures P-6 and P-7.

For the reasons stated in the application, the same is allowed and the affidavit of the complainant and Aadhar card are taken on record as Annexures P-6 and P-7.

Main Case

The petitioner is seeking regular bail in FIR No.84 dated 12.05.2003, under Sections 363, 366-A, 376-C and 506 IPC, registered at Police Station Narnaund, District Hansi.

Learned counsel for the petitioner contends that it is alleged in the FIR that the petitioner had enticed the daughter of the complainant. He, however, contends that there is no FSL report and the statement of the daughter

of the complainant was also not recorded under Section 164 Cr.P.C. The incident took place 17 years ago and the petitioner is now 47 year old having two daughters of marriageable age. He further contends that the petitioner was not aware of the registration of the case earlier and is in custody for over 06 months. The matter has also been compromised and petition has been filed for quashing of FIR on the basis of compromise wherein notice has been issued to the respondents.

Learned counsel for the complainant states that the matter has indeed been compromised and the daughter of the complainant is happily residing at her matrimonial home.

Learned State counsel states that the challan has been filed but none of the 27 prosecution witnesses has been examined.

In view of the above, especially when the incident is 17 years old, the complainant is not willing to pursue the matter, the petitioner is in custody for over 06 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 05, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No