

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-35390-2020(O&M)
Date of decision : 11.01.2021.**

Narender

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Vipul Sachdeva, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.206 dated 23.07.2020 under Sections 376, 506, 511 of the Indian Penal Code, 1860 ('IPC' for short) (Section 367 IPC was added later on) registered at Police Station Baroda, District Sonapat, Haryana.

Learned counsel for the petitioner would contend that as per the allegation in the FIR, the petitioner had made an attempt to commit rape upon the prosecutrix. However, subsequently the prosecutrix and the petitioner had entered into a compromise dated 16.09.2020 and the complainant has given an affidavit to the effect that a Panchayati Compromise has been entered into between the parties and therefore, she did not want to proceed further with the matter.

Learned State counsel has also verified the affidavit dated 16.09.2020 (Annexure P-2) and on instructions from SI Om Parkash has stated that the affidavit has been voluntarily given by the prosecutrix.

Mr. Vipul Sachdeva, Advocate has put in appearance on behalf of the complainant and has also confirmed the fact that the complainant and the petitioner have since entered into a compromise and that the complainant does not want to pursue the matter.

I have heard learned counsel for the parties.

In the present case the prosecutrix, who is 36 years of age, had given a complaint that there had been an attempt to rape committed upon her by the petitioner. Thereafter, on 16.09.2020 an affidavit was executed by the complainant/prosecutrix wherein she has stated that the parties have since entered into Panchayati Compromise and therefore, she did not want to pursue any further with the proceedings. The said affidavit has also been verified by the State and found to be genuine. The counsel for the complainant has also put in appearance in this case and has stated that the complainant does not now want to pursue the case.

In view of the above and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 11, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No