

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

CRM-M No.47851 of 2021
Date of Decision.22.11.2021
(Heard through VC)

Inderjit Singh @ Samar

...Petitioner

Vs

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasjeet S. Dhaliwal, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Jaiteswar Singh, Advocate
for the complainant.

-:-

JAISHREE THAKUR J. (ORAL)

This is a second petition petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.240 dated 24.06.2021 under Sections 376(3) IPC and Section 4 of the POCSO Act registered at Police Station Sohana, District SAS Nagar (Mohali).

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter. It is contended that in fact the matter has been compromised between the parties. Even statement of the prosecutrix has been recorded in which she has not supported the version of the prosecution. It is further argued that even the medical report would not support any allegation under Section 376 IPC as there are no injuries inflicted and hymen appears to be normal.

Learned counsel appearing on behalf of the respondent-State

opposes grant of regular bail to the petitioner, however, she is not in a position to dispute the fact that statement of the prosecutrix has been recorded, who has not supported the prosecution version.

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

I have heard learned counsel for the parties. Keeping in view the fact that the matter has been compromised between the parties and the fact that statement of the prosecutrix has been recorded in which she has not supported the version of the prosecution 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 his execution of personal/surety bonds 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.

(JAISHREE THAKUR)
JUDGE

November 22, 2021

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No