

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

CRM-M-43265-2022

Date of Decision:23.09.2022

BILLIAM

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. P.K.S.Phoolka , Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.0054 dated 12.04.2022 under Sections 354-A, 509 and 451 IPC and Section 12 of the POSCO Act registered at Police Station Jaito, District Faridkot.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the allegations are to the effect that the victim is aged about 13 years and on 09.04.2022, the petitioner had sexually assaulted her. The dispute has been amicably settled between the parties. A petition bearing CRM-M-32163-2022 for quashing the FIR on the basis of compromise has also been instituted and in terms of the order dated 26.07.2022, the parties were directed to get the statements recorded in the learned trial Court. The statements of the parties have also been recorded and the petition for quashing of FIR on the basis of compromise is still pending adjudication. He further contends that the investigation of the case is complete and challan has been presented in the Court.

Learned State counsel has mainly opposed the bail application on the score that the victim is 13 years old and her statement is yet to be recorded.

It may be mentioned here that the petitioner is in custody for a period of 05 months and 10 days. Although, there are allegations with regard to sexual assault and harassment attributed against the petitioner, but the matter is stated to be amicably settled. The investigation of the case is complete and the petitioner has been remanded to judicial custody. Even otherwise, the conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody. As such, without making any observation with regard to genuineness of the compromise or merits of the petition for quashing the FIR, sufficient and reasonable grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

23.09.2022
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(VIVEK PURI)
JUDGE

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