

2023:PHHC:045901

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

CRM-M-4931-2023 (O&M)

Date of Decision: 28.03.2023

JIWAN KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

CRM-10853-2023

This is an application for placing on record Annexures A1 and
A2.

For the reasons stated in the application, the same is allowed.
Annexures A1 and A2 are taken on record, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

Application is disposed of.

CRM-M-4931-2023

The petitioner is seeking regular bail in the case bearing FIR
No. 105 dated 02.07.2022 under Sections 363 and 366-A IPC registered at
Police Station Division No.2, District Ludhiana.

As per the allegations, the daughter of the complainant, aged
about 13 years, went missing from the house. Efforts were made to locate
her but to no effect.

Learned counsel for the petitioner contends that as per the
allegations, the victim was recovered on 03.07.2022 from Dera Beas while

she was accompanying the petitioner and co-accused, namely, Deepak @ Deepu Sharma. In her statement under Section 161 Cr.P.C., the victim had stated that she was having liking for Deepak @ Deepu Sharma, co-accused. The petitioner and co-accused had taken the victim with an intention to perform marriage but no wrong was committed with her. The dispute has been amicably settled between the parties and compromise has been effected between the parties. The petition bearing CRM-M-8479-2023 for quashing of FIR on the basis of compromise has also been instituted, wherein, in terms of the order dated 17.02.2023, the parties have been directed to appear before the learned trial Court/Duty Magistrate to get the statements recorded qua compromise. Furthermore, Deepak @ Deepu Sharma has been granted regular bail in terms of the order dated 01.03.2023 passed in CRM-M-58729-2022 passed by the Coordinate Bench of this Court. The arrest of the petitioner was effected on 03.07.2022 and he is not involved in any other case.

Learned State counsel, on instructions from ASI Kulwant Singh, has not disputed the aforesaid factual aspect and has opposed the bail application on the score that the compromise cannot be effected on behalf of the minor victim. It has also been submitted that the investigation of the case is complete, challan has been presented, charge has been framed and examination-in-chief of one witness has been recorded.

Be that as it may, the controversy as to whether the compromise can be given effect or not will be looked in the matter in which quashing of FIR has been sought on the basis of compromise. It is significant to note that co-accused Deepak @ Deepu Sharma has been granted regular bail by the Coordinate Bench of this Court. The petition for quashing the FIR on

the basis of compromise has also been instituted. The investigation of the case is complete, challan has been presented and conclusion of trial is likely to take some time. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, 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.

28.03.2023
smriti

(VIVEK PURI)
JUDGE

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