

2023:PHHC:064844

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

CRM-M-10626-2023

Date of Decision: 05.05.2023

ASHUTOSH ALIAS ASHU

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 785 dated 16.11.2021 under Sections 341/354/354-A/354-B/506/509 and 34 IPC (later on Section 201 IPC added and Section 341 IPC was deleted) registered at Police Station Indri, District Karnal.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that as per the allegations, the victim was taken to sugarcane field, where the petitioner alongwith co-accused had inappropriately touched her, outraged her modesty and shot the video. The marriage of the victim was to be solemnized on 14.10.2021 and a day before the marriage, the petitioner alongwith co-accused had telephonically informed bridegroom about the video. It has been further submitted that the offence under Section 376 and 511 IPC has been deleted. The dispute has been amicably settled between the parties. A petition bearing CRM-M-56091-2022 has been instituted for quashing the FIR on the basis of compromise, wherein, in terms of the order dated 29.04.2023, the Coordinate Bench had directed the trial Court/Duty

Magistrate to record the statements of the parties regarding authenticity and genuineness of the compromise and submit the report. The petitioner is in custody for a period of 01 year, 04 months and 15 days and not involved in any other case.

4. Learned State counsel has not assailed the aforesaid factual aspects as put forth by the learned counsel for the petitioner.

5. In the instant case, the offence under Sections 376 and 511 IPC has been deleted. An amicable settlement has been effected between the parties. A petition for quashing the FIR on the basis of compromise has been instituted, wherein, directions have been given to the learned trial Court/Illaq Magistrate to record the statements of the parties. The petitioner is in custody for a period of 01 year, 04 months and 15 days and not involved in any other case.

6. 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.

05.05.2023
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(VIVEK PURI)
JUDGE

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