

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

220

CRM-M-12837-2023

Date of Decision: 08.05.2023

Gurdeep Kumar Alias Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Usha Rani, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of regular bail in FIR No.357 dated 22.11.2022 (Annexure P-1) under Sections 363, 366-A of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Babain, Kurukshetra.

2. The case of the prosecution is that on 22.11.2022, the complainant i.e. mother of prosecutrix lodged a complaint alleging that her daughter, whose date of birth is 20.11.2006, is studying in 10+1 standard. Gurdeep Kumar @ Amit has been harassing her for many days. On 21.11.2022, the accused enticed her daughter with the help of his friends. FIR came to be registered under Section 363 & 366-A IPC. The prosecutrix was recovered. She refused to get herself medically examined.

3. Learned counsel for the petitioner, *inter alia* contends that petitioner and prosecutrix have compromised the matter. The petitioner, on the basis of compromise, has filed a petition bearing No. CRM-M-18723-2023 before this Court seeking quashing of FIR. The prosecutrix has turned hostile and she had made a statement on 04.05.2023 before the Trial Court confirming existence of compromise. She has further confirmed that she has no objection if FIR is quashed. The petitioner is not involved in any other offence and he is in custody since 02.12.2022. The petitioner has been wrongly implicated in the commission of alleged offence. There is no possibility of flee from justice.

4. Learned State counsel submits that police report has already been filed and charges stand framed. She does not dispute the fact that prosecutrix has turned hostile and she has entered into compromise with petitioner.

5. In view of the fact that prosecutrix has amicably settled the matter with the petitioner and she not only has turned hostile but also made a statement before the Trial Court that she has no objection if FIR is quashed and petitioner is released; the petitioner is not involved in any other offence and he is in custody since 02.12.2022 as confirmed by learned State counsel, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

08.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>