

218
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20826-2023 (O&M)
Date of decision : 06.07.2023

Vikas Sahni ... Petitioner(s)

Versus

State Of Punjab & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sharma, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.331 dated 22.12.2022 under Sections 363, 366-A of the Indian Penal Code, 1860, registered at Police Station Model Town, District Hoshiarpur.
2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 06 months and 06 days. It is further the contention that the petitioner and the victim, in the present case, are known to each other and that the petitioner and the victim have now turned 18 and entered into a compromise on 10.04.2023 and have agreed to

solemnize their marriage. Learned counsel for the petitioner would further contend that the victim has also not supported the case of the prosecution in her statement under Section 164 CrPC.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 06 months and 06 days. There is one case pending against the petitioner, however, he is on bail in the said case. Learned counsel for the State on instructions from ASI Balwinder Kaur has reiterated that the parties have since entered into a compromise on 10.04.2023. Learned counsel for the State is not in a position to deny the fact that the victim has not supported the prosecution case.

4. Heard.

5. In view of the above and considering the fact that the petitioner has been in custody for a period of 06 months and 06 days and that the parties have since entered into a compromise on 10.04.2023 and have agreed to solemnize their marriage as also the fact that the victim has not supported the case of the prosecution and that the trial is likely to take some time to conclude, without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

6. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
7. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
8. Disposed off. Pending applications, if any, also stand disposed off.

06.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO