

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

CRM-M-40878-2023

Date of Decision: 24.08.2023

GAURAV BAGGA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Nimanyu Gautam, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

\* \* \*

**VIVEK PURI, J. (ORAL)**

1. The petitioner is seeking regular bail in case bearing FIR No. 17 dated 28.04.2023 under Section 376 IPC, registered at Police Station Women Cell, District Amritsar.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner had committed rape upon the prosecutrix on the false pretext of solemnizing marriage. The petitioner and the prosecutrix were in relationship. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. It has been settled that after the release from jail, the petitioner shall solemnize marriage with the prosecutrix. A petition bearing CRM-M-26975-2023, Annexure P-3 has also been instituted for quashing of the FIR on the basis of compromise. In terms of the order dated 26.05.2023, the Co-ordinate Bench has directed the parties to get the statements recorded before the trial Court qua the compromise. In pursuance of the said order, the statements of the petitioner as well as the prosecutrix have been recorded in the trial Court and both of them have affirmed the fact with regard to compromise. The petitioner is in custody for a period of 3 months and 24 days and not involved in any other case.

4. Learned State counsel, on instructions of ASI Satpal Singh, submits that in the instant case challan has been presented and charge is yet to be framed.

5. It is significant to note that amicable settlement has been effected between the parties. The compromise, Annexure P-2 indicates that the prosecutrix is aged about 25 years. The petitioner and the prosecutrix are contemplating to solemnize marriage. A separate petition for quashing the FIR on the basis of compromise has also been moved. In pursuance of the directions issued by the Co-ordinate Bench, the statements of the parties with regard to compromise have also been recorded by the concerned Court. The petitioner and the prosecutrix are stated to have made statement affirming the fact of compromise. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. Challan has also been presented and the conclusion of trial is likely to take some time.

6. Keeping in view the entire circumstances emerging in the instant case, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

**24.08.2023**

Janki

**(VIVEK PURI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*