

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.:202

**Criminal Miscellaneous No.M-44875 of 2023**

**Date of Decision:** *September 14, 2023*

Satish Kumar @ Bunty

..... PETITIONER(S)

*VERSUS*

State of Punjab

..... RESPONDENT(S)

...

**CORAM:**      **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

**PRESENT:** -    Mr. Varun Katyal, Advocate and Mr. Bhanu Chaudhary  
for the petitioner.

Mr. Karan Puggal, AAG, Punjab.

. . .

**Tribhuvan Dahiya, J. (Oral)**

This is second petition for grant of regular bail to the petitioner in case FIR No.168 dated 25.10.2022, registered under Sections 376 & 120-B IPC, at Police Station Sardulgarh, District Mansa.

2.                    After lodging of the FIR, the prosecutrix/complainant compromised the matter with the main accused and sworn an affidavit dated 06.03.2023, Annexure P-4, to the effect that the FIR was lodged on provocation of her maternal aunt. The alleged offence has not been committed by the accused, and she has no objection in case the FIR is quashed and the petitioner is released on bail or discharged. The fact of compromise having been entered into between the parties and the complainant having submitted an affidavit, dated 06.03.2023, was verified as correct by the State, and it was also submitted that the main accused was not required for investigation in the matter. These facts are apparent from the

order dated 10.08.2023, Annexure P-6, passed by this court while deciding the main accused’s petition for pre-arrest bail.

3. Learned counsel for the petitioner contends that the petitioner is on a better footing than the main accused, since challan in the case already stands filed against him and investigation of the case is over. Even as per allegations in the FIR, he was standing outside the room where the complainant/prosecutrix was raped by the main accused. Therefore, the offences alleged are not made out against him, and it is a case of false implication.

4. Learned State counsel, on instructions from ASI Jugraj Singh, does not deny the facts submitted by learned counsel for the petitioner. He further contends that there are sixteen prosecution witnesses who will soon be examined after framing of charge. The petitioner is in custody since 05.12.2022.

5. Keeping in view the submissions of the learned counsel and the facts mentioned hereinabove, no useful purpose will be served by confining the petitioner to custody any longer.

6. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)  
Judge

September 14, 2023  
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|------------------------------------|----------------|
| <u>Whether Speaking/ Reasoned:</u> | <u>Yes/ No</u> |
| <u>Whether Reportable:</u>         | <u>Yes/ No</u> |