

CRM-M-32398-2024 (O&M)

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:119659



CRM-M-32398-2024 (O&M)
DATE OF DECISION : 11.09.2024

SUNIT KUMAR ... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sanjay Verma, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.
Mr. Gopal Krishan Bhatt, Advocate for respondent No.2.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 276 dated 22.06.2024 under Sections 323, 376, 511 IPC registered at Police Station Pinjore District Panchkula, Haryana.
2. The petitioner is brother-in-law of the prosecutrix. He is alleged to have made an attempt to make physical relationship with the prosecutrix.
3. Learned counsel for the complainant contends that compromise has been effected between the parties and even a petition for quashing of the FIR bearing No. CRM-M-43558-2024 has been filed. The prosecutrix has also executed an affidavit (Annexure A-2) with regard to the said compromise.

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4. Reply by way of affidavit of Joginder Sharma, HPS, Assistant Commissioner of Police, Panchkula has been filed wherein the factum of compromise has been denied for want of knowledge. As per the custody certificate filed by the State, the petitioner has undergone 02 months and 19 days of custody.

5. Learned counsel for respondent No.2 has confirmed the factum of compromise between the parties and regarding execution of the affidavit by the complainant (Annexure A-2).

6. The investigation of the case is complete and the challan has already been presented in the Court. The petitioner is in custody for 02 months and 19 days. There is no history of any other case against the petitioner. The allegations are primarily with regard to make an attempt of sexual assault. The prosecutrix is major. Her age is recorded as 28 years as per her statement under Section 164 Cr.P.C. (Annexure R-1).

7. Without commenting on merits of the case, and on the basis of the said compromise and keeping in view the fact that conclusion of the trial is going to take time, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

8. Pending miscellaneous application(s), if any, shall stand disposed of.

11.09.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No