



Sr. No.229

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

CRM-M-41985-2024
Date of decision: 03rd September 2024

GAMA MOHAMMAD ALIAS GAMAPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Harjinder Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.12 dated 25.02.2023, under Sections 376, 323, 506 IPC, 1860, registered at Police Station Lambra, District Jalandhar (Annexure P-1).
2. The petitioner is the father-in-law of the prosecutrix and facing allegation that he has allegedly committed rape upon the prosecutrix and further threatened to kill her.
3. Learned counsel for the petitioner submits that the matter has been compromised between the parties and a petition bearing No.CRM-M-37523-2024, seeking quashing of the FIR on the basis of compromise (Annexure P-3), has been filed, wherein, order of notice of motion has been issued vide order dated 05.08.2024. The petitioner is in custody since 04.07.2024.
4. Notice of motion.
5. Ms. Sakshi Bakshi, AAG, Punjab accepts notice on behalf of



gravity of allegations levelled against the petitioner. However, she has informed that challan has been presented after completion of the investigation.

6. Ms. Navjot Kaur, Advocate has put in appearance on behalf of respondent No.2 and filed ‘*vakalatnama*’, which is taken on record. She accepts the factum of compromise between the parties.

7. I have heard the learned counsel for the parties and perused the relevant documents.

8. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is in custody since 04.07.2024. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

9. 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/Duty Magistrate concerned.

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

(HARPREET KAUR JEEWAN)
JUDGE

03rd September 2024
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*