

CRA-S-3850-2023 (O&M)

2024:PHHC: 060945 - 1 -

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

CRA-S-3850-2023 (O&M)

DATE OF DECISION : 02.05.2024

NANAK SINGH

... APPELLANT

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amandeep Singh Manaise, Advocate, for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Hardik Ahluwalia, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short 'the Act of 1989') challenging the order dated 05.12.2023 passed by the learned Addl. Sessions Judge, Gurdaspur, rejecting the application of the appellant filed under Section 438 Cr.P.C. in case FIR No. 87, dated 23.06.2023, registered at Police Station Ghuman, Police District Batala, District Gurdaspur, under Sections 376 and 450 of the IPC and Section 3 (1) (W) and 3 (2) (VA) of the Act of 1989.

2. On 08.01.2024 following order was passed:

“xxxx Inter alia contends that the matter has been compromised between the complainant-victim and the appellant. The age of the victim is 19 years and the compromise dated 05.08.2023 (Annexure A-2) has been executed in the presence of the respectable of the village. The trial Court has not considered these aspects while declining the application filed by the appellant under Section 438 Cr.P.C.

Notice of motion.

Having received advance copy of the appeal, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1.

Mr. Hardik Ahluwalia, Advocate, appears and accepts notice on behalf of respondent No. 2-complainant and has filed his power of attorney in Court today, which is taken on record and confirms the factum of compromise.

Adjourned to 06.02.2024.

Keeping in view the above, the appellant is directed to appear before the learned trial Court within a period of 07 days from today and in the event of arrest, the appellant shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court.

The trial Court shall also record the statement of the complainant-victim and send a report with regard to the genuineness of the compromise dated 05.08.2023 (Annexure A-2), to this Court well before the next date of hearing.”

3. Learned counsel for the appellant contends that the appellant has appeared before the trial Court in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from ASI Gurmukh Singh, has also confirmed the aforesaid fact.

5. Learned counsel for the complainant has no objection if the present appeal is allowed. Learned counsel for the complainant has further submitted that the matter has already been compromised *inter se* the appellant and complainant. The petitioner was major even on the day of occurrence. In this regard, the report from the learned Judicial Magistrate First Class, Batala has been received who has recorded the statement of the complainant/ respondent No.2 and confirmed that the compromise *inter se* the parties is genuine.

6. In view of the aforesaid facts and circumstances and the reasons recorded in the order dated 08.01.2024, the present appeal is

allowed and the order dated 05.12.2023 passed by the learned Addl.

Sessions Judge, Gurdaspur is set aside and order dated 08.01.2024 granting interim bail to the appellant is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

02.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No