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PUNJAB AND HARYANA HIGH COURT

Before: Rajbir Sehrawat, J.

CRM-M No.27824 of 2019 (O&M)

Decided on: 21.07.2020

Deepak @ Deepu

Petitioner

Versus

State of Haryana

Respondent

In virtual Court

Present:

Mr. Sunil Polist, Advocate for the petitioner.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Indian Penal Code, 1860 (45 of 1860), Sections 366, 376, 494 -- Rape case -- Compromise between parties -- Regular bail -- Specific allegations against the petitioner -- Petitioner is in custody since 04.02.2019 -- In the interest of both the sides, the matter has been compromised between the parties -- Complainant has no objection if the petitioner is released on bail -- Petition allowed, petitioner is ordered to be released on bail.

(Para 4, 8-10)

JUDGMENT

RAJBIR SEHRAWAT, J. (ORAL) --

CRM-19667-2019

1. The application is allowed as prayed for.

CRM-1969-2020

2. The application is allowed as prayed for and Annexure P-3 is taken on record, subject to all just exceptions.

CRM-17227-2020 & CRM-17228-2020

3. The applications are allowed as prayed for and Annexures R-1 and R-2 are taken on record, subject to all just exceptions.

CRM-M No.27824 of 2019

4. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.355 dated 03.12.2018 registered under Sections 366, 376 & 494 IPC, at Police Station City Narwana, District Jind.

5. It is contended by the counsel for the petitioner that the case against the petitioner had emerged on the basis of some misunderstanding. However with the intervention of the respectables, the parties have already settled the dispute. No grievance is left between the parties. Otherwise also the girl, who is alleged to have been enticed away by the petitioner, happened to be a minor, and now even she has not raised any complaint regarding the matter. The petitioner is in custody since 04.02.2019. Hence, the petitioner deserves to be released on bail.



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6. Notice of motion.

7. Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State and Mr. Gautam Kailey, Advocate accepts notice on behalf of the complainant.

8. Learned State counsel, being instructed by ASI Dilbag Singh, has submitted that there have been specific allegations against the petitioner. Therefore, the petitioner does not deserve any concession. However, it is not disputed that the petitioner is in custody since 04.02.2019.

9. The counsel for the complainant has submitted that he does not dispute the fact that in the interest of both the sides, the matter has been compromised between the parties. He has submitted that the complainant has no objection if the petitioner is released on bail.

10. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Petition allowed.
