

Crl. Misc No. M-30589 of 2016

1

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

**Crl. Misc No. M-30589 of 2016
Date of decision : 02.12.2016**

Atul Pandey @ Kallu

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sarfaraj Hussain, Advocate
for the petitioner.

Ms. Mahima Yashpal, A.A.G, Haryana

Ms. Pratibha Yadav, Advocate

Mr. Arun Yadav, Advocate

Ms. Sonika Garg, Advocate

RITU BAHRI, J. (Oral)

Reply filed by the State in the Court today, is taken on record.

Prayer in this petition is for grant of anticipatory bail to the petitioner, in a case arising out of F.I.R No. 290 of 01.04.2015 under Section 306 IPC and Section 6 of POCSO Act, registered at P.S Sadar, District Gurgaon.

On the last date of hearing, learned counsel for the complainant has given photocopy of school certificate issued by Education Department, showing the date of birth of the petitioner as 11.02.1996. This document was handed over to learned counsel for the petitioner to verify this fact and learned State counsel was directed to verify this document.

Today, learned counsel for the petitioner is seeking some more time. However, as per reply filed by the learned State counsel, the Investigating Officer has visited the office of Secretary Board of School Education at Allahabad (U.P) on 16.11.2016 and the Under Secretary of the school provided the desired details in form of certified copy of the certificate of Atul Kumar Pandey and as per this certificate, the date of birth of Autl Kumar Pandey son of Sh. Pradeep Kumar Pandey is 11.02.1996 and he had passed the High School in the year 2012, vide Roll No. 1310822 from the School 1227 Shardda HSS Bajpur Naktaura Hrdoi. As per the school certificate of the petitioner, he was above 19 years on the date of registration of F.I.R (P-2).

The Investigating Officer has also visited the office of Panchayat Election Officer Lakhimpour Kheri and the Election Officials certified that the name of Atul s/o Pradeep has appeared i nthe voter list at Sr. No. 220 and as per the voter list, his age is shown as 20 years in the year 2015. The certified copy of the voter list in which the name of the petitioner is reflected is issued by the DEO, District Office Panchayat and Nagaria Nikia Lakimpur Kheri (U.P) appears at Page No. 3 of 28 of the voter list of elections for the panchayat held in the year 2015 (P-3). Further I.O has interrogated the complainant, who stated that Shivani (since deceased) was having no relations with the petitioner.

Learned State counsel has further informed that the petitioner has been declared proclaimed offender on 19.08.2016 (P-1).

In view of the above factual position, the petitioner is not held

entitled for grant of anticipatory bail.

The petition stands dismissed.

02.12.2016
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>