

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

CRM-M-25968 of 2017 (O&M)

Date of decision: 18.08.2017

Juggu @ Jugnu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Surinder Gandhi, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

CRM-25694-2017

Allowed as prayed for, subject to all just exceptions.

Main Case

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.46 dated 11.07.2016, registered under Sections 377, 323, 365, 307, 506, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station Women, Rohtak.

It is contended that the petitioner is a juvenile. He refers to Section 94 of Juvenile Justice (Care and Protection of Children) Act, 2015 to submit that only in the absence of the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board or the birth certificate given by a

corporation or a municipal authority, the ossification test could be carried out, however, he is unable to refer to any document on the basis of which age of accused was recorded in the school certificate. The petitioner is in custody since 18.07.2016.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner is being tried by the Children Court. The petitioner is 17 ½ years of age. As per ossification report, his age was stated to be between 17 to 18 years.

I have heard learned counsel for the parties and perused the record.

The petitioner was involved in another similar incident wherein as per assertion of learned counsel for the petitioner, the passing of final order has been ordered to be stayed. Moreover, there is no supporting document/statement on the basis of which the date of birth was entered in the school certificate. Considering the age of the victim and conduct of the petitioner, this Court is of the considered opinion that the petitioner does not deserve for discretionary relief of bail.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.08.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No