

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

CRM-M No.29519 of 2017

Date of Decision: 21.08.2017

Ravinder

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Manish Soni, Advocate  
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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**Lisa Gill, J. (Oral)**

The petitioner prays for bail pending trial in FIR No.104 dated 24.01.2017, under Sections 506/452/34 IPC and Section 8/12 of the Protection of Children from Sexual Offence Act, 2012 (hereinafter referred as POCSO Act, 2012), registered at Police Station Sector-5, Gurgaon, District Gurgaon.

It is submitted that the challan in this case has been presented against the petitioner under Sections 506, 34 IPC and Section 12 of the POCSO Act, 2012. Charge against the petitioner has since been framed. The petitioner has moved an application for treating him as juvenile claiming his date of birth as 15.07.1999. The said application is stated to be pending. It is further submitted that the petitioner is not involved in any other criminal case and has been in custody since 16.02.2017. Moreover, the version given in the FIR is improbable as it is beyond comprehension as to how the petitioner entered the complainant's house

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in the presence of the entire family and thereafter managed to escape as well. Reference is made to the site plan which forms a part of the challan to contend that the complaint's house is surrounded by houses on all sides and is adjoining a street which clearly shows the falsity of the case. There is an explained delay of 4 days in lodging the FIR which again casts a doubt on its veracity. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from ASI Sanjay Kumar, verifies that final report under Section 173 Cr.P.C. has been filed. Application moved by the petitioner for treating him as a juvenile is pending. It is verified that the petitioner is not involved in any other case. He is in custody since 16.02.2017.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in the near future.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Ravinder is allowed.

The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

**[ LISA GILL ]**  
**JUDGE**

August 21, 2017  
*sachin*

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|---------------------------|---|--------|
| Whether Speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |