

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

-.-

CRR No. 1149 of 2017
Date of decision: 17.05.2017

Amar Singh

.....*Petitioner*

vs

State of Haryana

.....*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vivek Singla, Advocate
for the petitioner

Mr. Pawan Garg, AAG, Haryana

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against orders dated 23.12.2016 passed by the Principal Magistrate, Juvenile Justice Board, Faridabad (hereinafter referred to as '**the Board**') and dated 17.01.2017 by the Additional Sessions Judge, Faridabad thereby application filed by the petitioner for grant of bail in FIR No. 742 dated 15.11.2016 for offence punishable under Sections 363 and 366-A of the Indian Penal Code (in short, IPC) and 4 of **The Protection of Children from Sexual Offences Act, 2012**, was dismissed by the Board and the appeal preferred by the petitioner did not find favour with the Additional Sessions Judge, Faridabad.

Counsel for the petitioner has submitted that keeping in view the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2005 coupled with the factum that material witnesses in the case including the prosecutrix have already been examined and failed to

support cause of the prosecution, there is no reason to keep the petitioner confined in an Observation Home at the cost of loss to his personal liberty.

Counsel for the petitioner has produced before the Court copies of statements of the prosecutrix (PW1), Raj Kumar (PW2), Ms. Sushma, Judicial Magistrate Ist Class, Faridabad (PW3) procured from the website of the concerned Sessions Division.

Counsel for the State of Haryana would state that in view of the submissions made by counsel for the petitioner, an appropriate order may be passed.

Taking into consideration the provisions of Section 12 of the Act coupled with the factum that material witnesses in the case namely the prosecutrix and the complainant have failed to support cause of the prosecution, the present petition stands disposed of with directions to release the petitioner forthwith subject to satisfaction of the Board.

(Rekha Mittal)
Judge

17.05.2017
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Whether reasoned/speaking : *Yes/No*
Whether reportable : *Yes/No*