

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Rev. No. 133 of 2017(O&M)

Date of Decision: April 7, 2017.

Ansar PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner by way of this revision petition challenges order dated 19.12.2016 passed by the Additional Sessions Judge, Palwal as well as order dated 02.12.2016 passed by the learned Principal Magistrate, Juvenile Justice Board, Palwal whereby the learned courts below have refused to release the petitioner on bail pending trial. The petitioner is a juvenile (14 years old) and is being tried before the Principal Magistrate, Juvenile Justice Board, Palwal for the offences punishable under Sections 363/366A/379/120B IPC

and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, the 'POCSO Act').

As per the allegations in FIR No.156 dated 22.09.2016 under Sections 363/366A/379/120B IPC and Section 6 of the POCSO Act registered at Police Station Bahin, the present petitioner alongwith co-accused enticed away the complainant's daughter in criminal conspiracy with each other. The victim allegedly took away a sum of ₹62,000/-, a gold necklace weighing 20 gms as well as silver ornaments from the house of the complainant. Initially a case was registered under Sections 363/366A/379/ 120B IPC however, the victim was recovered and her statement under Section 164 Cr.P.C was recorded and Section 6 of the POCSO Act was added.

It is submitted that though the alleged victim is a minor, she is elder to the present petitioner. It is contended that even in the statement of the victim recorded under Section 164 Cr.P.C., there is nothing against the petitioner to attract the rigors of Section 6 of the POCSO Act. Furthermore, the victim has not supported the prosecution version while testifying before the learned trial court. It is thus prayed that the petitioner be released from the protective custody during the pendency of the trial.

Learned counsel for the State, on instructions from ASI Krishan Kumar, affirms that the victim has not supported the prosecution version. She has been declared hostile. It is not denied that the petitioner is not involved in any other case. The trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner in protective custody any longer in the facts and circumstances of this case.

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.

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 Ansar is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds 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.

April 7 , 2017.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No