

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

Crl. Revision No. 1780 of 2018 (O&M)

Date of decision: 9.8.2018

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Parmod Chauhan, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a revision petition that has been filed seeking to challenge the order dated 24.4.2018 passed by the Additional Sessions Judge-cum-Children's Court, Karnal and the order dated 23.2.2018 passed by the Presiding Officer, Principal Magistrate Juvenile Justice Board, Karnal, in case FIR No. 1 dated 10.1.2018 registered under under Sections 342 and 506 IPC, Section 6/17 of the Protection of Children from Sexual Assault Act, 2012 and Section 3 (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Women Karnal, whereby the regular bail filed by the petitioner has been dismissed.

Learned counsel for the petitioner herein categorically submits that the petitioner was a minor (as per birth certificate reflecting his date of birth as 9.2.2001), on the first date of the alleged occurrence in the month of

February, 2015. It is further argued that the bail application of the petitioner has wrongly been rejected, while ignoring Section 12 of the Juvenile Justice Act, 2015, which makes it mandatory for bail to be allowed. It is also argued that while declining the regular bail to the petitioner, it has been noted that the investigation in the matter is underway but now the investigation has been completed, challan has been presented and even charges have been framed.

Per contra, learned counsel appearing on behalf of the State as well as the complainant submits that the matter is now pending before the Court of the Additional Sessions Judge-cum-Children's Court, Karnal, and any bail application would have been preferred to that court only.

I have heard learned counsel for the parties and keeping in view the fact that the matter is pending before the Additional Sessions Judge-cum-Children's Court, Karnal, after framing of charges, this petition is disposed of with the liberty to to the petitioner to approach Additional Sessions Judge-cum-Children's Court, Karnal, for grant of regular bail. It is hereby directed that in case the petitioner herein approaches the said Court, the bail application shall be decided forthwith, preferably within a period of two days from the date of filing of such application.

9.8.2018

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No