

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 333 of 2018 (O&M)
Date of Decision: 01.6.2018**

AjayPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Vishal Rattan Lamba, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Sachin Ohri, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J

This revision is against the judgment dated 10.1.2018 passed by the Additional Sessions Judge, Rewari who dismissed the appeal filed by the juvenile who was seeking bail in FIR No. 102 dated 27.11.2017 registered under Sections 6 of POCSO Act, 452 IPC and 3 of SC/ST Act at Police Station Rohadai.

The allegations are that the petitioner fingered the victim. The victim is seven years old. The child started bleeding. The matter came to the notice of the family and the Sarpanch was informed. The petitioner lives in the same village and is a neighbourer and is over 16 years of age.

Both the Courts below have dismissed the application considering the allegations. They were of the view that release of the juvenile would defeat the ends of justice and considered the seriousness of the allegations.

Copy of the MLR and the report given by Dr. Tripti Bhargava have been placed on record.

This case has been adjourned for the last number of dates to enable the victim and the complainant to make a statement in the Court. Earlier the prosecution had been directed to ensure the presence of the witnesses on 8.5.2018. The case was adjourned to 23.5.2018. On 28.5.2018, zimni orders were placed on record to show that the complainant and her mother were not appearing and non-bailable warrants of arrest had been issued against them.

The zimni orders have been made available but the State counsel as well as counsel for the complainant state that the witnesses were present in the Court on 30.05.2018 but their presence is not noted in the order and the Bar in District Rewari had suspended work since 15.5.2018. It is stated that the case is now fixed for 18.7.2018.

The petitioner is a child in conflict with law. He is in the Observation Home since 3.12.2017. The case has been adjourned thrice but the witnesses have not appeared. It is disputed whether the witnesses were present in the Court on the last date of hearing. The zimni orders do not record their presence. The statements of the victim and her mother are yet to be recorded.

Considering the fact that the petitioner is in Observation Home for the last six months and the trial is not proceeding after April 2018, bail is allowed to the petitioner on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Rewari on an undertaking which is to be given by the mother that the petitioner would not enter the village till the statement of the victim is recorded. After the completion of

the statement, the petitioner would not contact the victim or her mother.

Order dated 10.1.2018 passed by the Additional Sessions Judge, Rewari is set aside. The petition is allowed.

(ANITA CHAUDHRY)
JUDGE

June 01, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No