

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

CRR No.1738 of 2019.

Decided on:- October 23, 2019.

Vishal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. R.S. Sangwan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner, who is claiming to be a juvenile in conflict with law, has filed present criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, the Juvenile Justice Act) for setting aside the order dated 20.03.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Bhiwani, whereby the petitioner has been declined bail in FIR No.476 dated 24.12.2018 under Sections 120-B, 216, 363, 366-A and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station City Dadri.

Challenge has also been laid to the order dated 09.05.2019 passed by learned Additional Sessions Judge, Charkhi Dadri, whereby the

appeal filed by the petitioner against the aforesaid order dated 20.03.2019 passed by learned Magistrate, was dismissed.

The aforesaid FIR was registered against the petitioner on the basis of a complaint made by the mother of the victim. As per the FIR, on 24.12.2018, the complainant, who is mother of the victim, had come in the Police Station City Dadri and submitted a complaint to the police alleging therein that on 23.12.2018 at about 10.00 A.M., her daughter (victim) went for attending the coaching, but she did not return home. On inquiry from the coaching centre, the complainant had come to know that the victim had already left the centre at about 01.00 P.M. The complainant and other family members searched for the victim, but they could not find her despite their best efforts. On the basis of suspicion, the complainant alleged that one Vishal (petitioner herein), used to follow the victim and he allured the victim and took her with him.

Learned counsel for the petitioner has argued that the petitioner is a juvenile and is in custody since 27.12.2018. The petitioner is an innocent person and has falsely been involved in the present case. Moreover, the provisions of Section 12 of the Juvenile Justice Act have not been complied with by the Courts below as no detailed reasons were given while declining bail to the petitioner.

Learned State counsel, on instructions from ASI Vikram Singh, states that the medical report supports the case of the prosecution as the DNA report matches with the semen taken from the petitioner. Moreover, the victim is a minor girl and has been examined in the case, wherein she has fully supported the case of the prosecution.

I have heard learned counsel for the parties.

The victim is a minor girl. While appearing before learned Magistrate, she has supported the case of prosecution. The argument of learned counsel for the petitioner that no detailed reasons have been given by the Courts below while declining bail to the petitioner, cannot be accepted, as the perusal of impugned order dated 20.03.2019 passed by learned Magistrate shows that the Magistrate has observed that in case the juvenile in conflict with law (JCL) is admitted to the concession of bail, there is every possibility that he will be exposed to moral as well as physical and psychological danger. Learned Magistrate has further observed that possibility cannot be ruled out that the JCL may be subjected to revenge of the opposite party, in the event of his release on bail.

Similarly, in paragraph No.8 of the impugned order passed by learned Additional Sessions Judge, Charkhi Dadri, the appellate Court while affirming the impugned order passed by learned Magistrate, has passed a well-reasoned order. The said paragraph No.8 of the impugned order dated 09.05.2019 reads as under:

“8. The offences invoked are Sections 120B, 216, 363, 366A and 376 of IPC and Section 4 of the POCSO Act, which are serious in nature. Learned Principal Magistrate has observed that the custody of appellant would help in his rehabilitation, care and protection, whereas, his release may led into his indulgence in other criminal activity. She has further observed that in custody the appellant would improve his conduct on account of psychological treatment in moral education by the expert. This Court agrees with the observations of learned Principal Magistrate, Juvenile Justice Board, Bhiwani. It seems

that release of the applicant at this stage, from custody is likely to expose him to moral, physical and psychological danger. The victim is a minor girl. The appellant may again indulge in similar act further aggravating the situation for himself and the victim. In view of give facts and circumstances, there seems no infirmity in the impugned order dated 20.3.2019 of learned Principal Magistrate, Juvenile Justice Board, Bhiwani. Accordingly, the present criminal appeal is dismissed. File be consigned to the record-room, after due compliance.”

Therefore, this Court finds that no case is made out for grant of regular bail to the petitioner as there is no illegality, irregularity or perversity in the impugned orders passed by the Courts below which may warrant interference of this Court by invoking its revisional jurisdiction.

Accordingly, affirming the order dated 20.03.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Bhiwani as well as the order dated 09.05.2019 passed by learned Additional Sessions Judge, Charkhi Dadri, the present criminal revision, being devoid of any merit, is hereby dismissed.

October 23, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No