

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

CRR-964-2020 (O&M)

Date of decision : 15.07.2020

Vikas Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

The petitioner, who is a juvenile, has preferred this revision petition for grant of bail in FIR No.173 dated 27.12.2019, registered under Sections 6 and 10 of the Protection of Children from Sexual Offences Act; and Sections 376(ab), 376(db) and 506 of the Indian Penal Code, at P.S. Women, Yamuna Nagar.

Learned counsel contends that no MLR was conducted in the matter. He refers to the statement of the prosecutrix recorded while appearing as PW-3, dated 13.03.2020, wherein, she has specifically stated that her statement, Ex.P-4 though bears her signatures but same was not made by her. She has further testified that the petitioner did not commit any bad act upon her.

On the other hand, learned State counsel has opposed the instant petition on the ground that the petitioner has committed a heinous crime. Once released on bail, he is likely to come into association with any known criminal or expose him to moral, physical or psychological danger. Custody certificate furnished on behalf of learned State counsel, is taken on record. The petitioner had made a video of the act done.

Heard.

The petitioner is a juvenile aged about sixteen years and nine months. The alleged video purportedly recorded by the accused at the time of commission of crime has not been recovered by the police. No MLR was conducted upon the prosecutrix in this case. As per the custody certificate, the petitioner is in custody since 29.12.2019 and considering the prevailing COVID-19 pandemic situation, the conclusion of trial may take time. Therefore, no purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the above and without adverting to the merits of the present case, the present petition is allowed and the petitioner is ordered to be released on bail during the pendency of the trial subject to his furnishing bail bonds/surety to the satisfaction of Chief Judicial Magistrate, concerned.

15.07.2020
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No