

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

**CRM-M-21650-2020
Date of decision: 10.09.2020**

Rajat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 80 dated 14.05.2020, registered under Section 4 of the POCSO Act, 2012 at Police Station Bilaspur, District Yamuna Nagar.

On 05.08.2020, the following order was passed and apprehension of the petitioner was stayed till today:

“It is inter alia submitted that the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri (Fast Tract Court Special Court under the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO’), has wrongly dismissed the petition filed by the petitioner, seeking anticipatory bail in FIR No.80, dated 14.05.2020. Section 12 of the POCSO Act does not bar the relief of anticipatory bail to a juvenile in a given case. It is further submitted that the petitioner suffers from mental impairment to the extent of 90% as is reflected in the impugned order itself. The petitioner’s father through whom this petition has been filed, undertakes to ensure that the present petitioner does not venture out of his house. In case, it is imperative for the petitioner to step out, it would be under the direct supervision and control of the father, who shall accompany him.

Notice of motion.

Mr. Anmol Malik, DAG., Haryana, accepts notice on behalf of the respondent-State and prays for some time

to address arguments. Advance copy of the petition stands served.

At request, adjourned to 10.09.2020.

Apprehension of the petitioner to remain stayed till the next date of hearing.

In the meanwhile, an affidavit in terms of the undertaking set forth before this court on behalf of the petitioner's father, be filed within three days."

The affidavit of the father of petitioner, namely Raj Kumar, is on record and as per the same, father of petitioner has undertaken that his son petitioner Rajat will not venture out of his house and in case it is imperative to step out of the house, the same will be under the direct supervision and control of deponent/father of petitioner, who shall accompany him.

In view of the same, the present petition is allowed and order dated 05.08.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it is made clear that in case the undertaking given by the father of petitioner in aforesaid affidavit is violated, it will be open for the prosecution to apply for recalling of this order.

10.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No