

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

119

CRM-M-39126-2020
Date of decision: 26.11.2020

Heera Singh @ Heera

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Arora, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

The hearing of this petition has been taken up through video conferencing on account of outbreak of novel corona virus.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, for issuance of a direction to the trial Court to proceed with the trial and to record the statements of the prosecution witnesses without any delay as the petitioner is in custody since 29.01.2020. A further direction has been sought to the Juvenile Justice Board to determine the age of the petitioner as per law and prescribed procedure under the Juvenile Justice (Care and Protection of Children) Act, 2015, within specific time.

An FIR bearing No.115 dated 22.07.2018, Annexure P-1, has

been was registered against the petitioner by the mother of the prosecutrix alleging that her daughter had been abducted by the accused-petitioner and after administering some intoxicant, he had raped her. According to the complainant, the age of her daughter is 13 years.

From a perusal of the paper book, it transpires that the petition for grant of bail pending trial (CRM-M-25811-2020) was filed by the petitioner. After arguments at length, the petition was withdrawn by the counsel for the petitioner on 28.05.2020. Soon thereafter, the present petition has been filed. The prayer made in this petition was also made during the course of the hearing of the bail petition, but the same was not acceded to by this Court.

The present petition has been filed by the petitioner without making any such application before the trial Court. Not only this, even the Juvenile Justice Board has not been impleaded as a party to the petition. The petition therefore, cannot be entertained and deserves to be dismissed.

Dismissed.

26.11.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No