

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

**CRM-M-35316-2020(O&M)
Date of Decision: 25.03.2021**

Parvesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ram Bilas Gupta, Advocate
 for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

Mr. Parveen Chauhan, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.44 dated 02.02.2020, under Sections 365 and 376 of the Indian Penal Code and Section 4 of POCSO Act and Sections 3, 33 & 89 of SC & ST Act added later on, registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner herein would contend that in fact a reading of the statement recorded by the young prosecutrix would reveal that she was a consenting party. While, it is also argued that the petitioner himself is a minor and in fact, would be entitled to regular bail by virtue of Section 12 of The Juvenile Justice (Care and Protection of Children) Act.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail on the ground that consent of a minor would have no relevance in the instant case which is registered under Section 4 of POCSO Act read with Section 365 and 376 IPC.

On the asking of the Court, State counsel on instructions from ASI Sanjay Kumar informs that the FSL report has been received which would not reflect any semen on the clothes or on the swabs taken.

At this stage, appearance has been caused on behalf of the complainant who submits that they would have no objection in case the petitioner herein is allowed regular bail.

I have heard counsel for the parties and have also perused case file.

Keeping in view the facts and circumstances of the case and the fact that the complainant has no objection if regular bail is allowed to the petitioner who is a juvenile and taking into account that his custody period is more than one year, no useful purpose will be obtained in keeping the petitioner in custody, therefore, I deem it appropriate to allow the petitioner benefit of bail, at this stage. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

25.03.2021
ps-I

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No