

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

234-2

**CRR-697-2020
Date of decision: 23.02.2022**

Victim "Y" (name withheld)Petitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harvinder Singh Maan, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for respondent No.1-State.

Mr. B.S. Jattana, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner/victim is seeking cancellation of bail granted to respondent No.2 vide order dated 09.01.2020 passed by learned Judge Children Court (Sessions Judge), Mansa in case FIR No.193 dated 02.11.2019 under Section 376 IPC (Section 4 and 5 of the POCSO Act added lateron) registered at Police Station Boha, whereby order dated 28.12.2019 passed by the Principal Magistrate, Juvenile Justice Board, Mansa in surrender-cum-bail application was set aside.

Learned counsel for the petitioner inter alia contends that respondent No.2 is accused of committing a heinous crime wherein he continuously raped the petitioner/victim for as long as three years. Respondent No.2 was extended the concession of regular bail by the Court below vide order dated 09.01.2020, on the ground that he was a

child in conflict with law and was to be tried as such. However, since CRR-694-2020 preferred by the petitioner/victim to impugn the order vide which respondent No.2 had been declared a child in conflict with law had been allowed and the order declaring him as a juvenile set aside, the instant revision petition may also be allowed and the bail granted to respondent No.2 be cancelled in the wake of serious allegations levelled against him in the FIR as there was every likelihood that respondent No.2 could extend threats to the petitioner/victim.

Learned State counsel does not oppose the prayer and submissions made by the counsel opposite for cancelling the bail granted to respondent No.2 in the wake of the serious and specific allegations levelled against him of raping the petitioner/victim, (who admittedly was a minor) on a number of occasions. He submits that respondent No.2 could tamper with material evidence and also try to influence the prosecution witnesses who are yet to be examined.

Per contra, learned counsel for respondent No.2 has, however, submitted that a perusal of the allegations levelled in the FIR clearly hinted towards the parties being in a consensual relationship. Learned counsel has also submitted that respondent No.2 was a man of clean antecedents and was not involved in any other criminal case.

I have heard learned counsel for the parties and perused the relevant material placed on record.

In consequence of the order of even date passed in CRR-694-2020, vide which order dated 21.12.2019 passed by learned Judge, Children Court (Sessions Judge), Mansa, declaring respondent No.2 as a child in conflict with law, was set aside, the instant revision petition is

allowed and regular bail granted to respondent No.2 is cancelled.

Respondent No.2 is directed to surrender forthwith before the Court below positively on or before 02.03.2022.

23.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No