

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

114+226)

**CRM-842-2022 in/and
CRA-S-1123-2021**

Date of Decision: 25.02.2022

Aakash alias Kalia

.....Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Shokeen Singh Verma, Advocate,.
for the applicant/appellant.

Mr. Manish Dadwal, AAP, Haryana

Ms. Jaspreet Kaur, Advocate,
for respondent no.2/complainant.

Amol Rattan Singh, J. (Oral)

CRM-842-2022

As the main appeal has been listed for hearing today itself, the application by which the applicant seeks advancement of the date of hearing in the accompany appeal, has been rendered infructuous and is disposed of such.

CRA-S-1123-2021

Vide this appeal, the appellant challenges the order of the learned Sessions Judge-cum-Judge, Childrens' Court, Jhajar, dated 17.09.2021, vide which his application seeking to be admitted to bail in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been dismissed.

On 16.11.2021, the following order was passed by this court:-

“CRM-38661 of 2021

Vide this application, the appellant in the accompanying appeal seeks to place on record a copy of the compromise deed stated to have been entered into between him and the complainant in the FIR, i.e. Subhash son of Changdi Ram, who, learned counsel for the appellant submits, is the father of the alleged victim.

Notice in the application.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the court, with Mr. Sanjeev Majra, Advocate, appearing for the complainant and not denying the factum of the compromise reached between the parties.

The complainant in the FIR is ordered to be impleaded as respondent no.2 in the accompanying appeal, with learned counsel appearing from him waiving notice and filed a power of attorney already executed in his favour, which is ordered to be taken on record.

The application is allowed subject to all just exceptions and the copy of the aforesaid compromise deed, dated 11.11.2021, is ordered to be taken on record as Annexure A-4 with the accompanying appeal.

CRA-S-1123 of 2021

Learned State counsel would get the affidavit of a gazetted officer filed as regards any other criminal cases ever registered against the appellant and his co-accused.

In the meanwhile, the statements of the complainant, as also of the victim (who is stated to be 16 years old), be recorded separately by the trial court; that is to say that the complainant and his son, i.e. the victim, would not be present in the court at the same time that their statements are being recorded.

That court would send its report to this court before the next date of hearing, as to whether, in its opinion, the compromise reached between the parties is genuine or with any pressure upon the complainant and the victim.

It is made clear that at this stage this court is not directing that the petitioner or his co-accused to also get their statements recorded with regard to the compromise reached between the parties, with them obviously also not to be present in the court at the time that such statements of the complainant and the victim are recorded.

Adjourned to 17.12.2021.”

Pursuant thereto a report dated 06.12.2021 has been received from the learned Sessions Judge, Jhajjar, annexing therewith the statement of the complainant in the FIR, i.e. Subhash son of Chandgiram, as also of the alleged victim, i.e. Vicky son of Subhash, with both of them having stated before that court that they had voluntarily compromised the matter without any pressure, threat and coercion and have no ill-will etc. against the “culprits”.

Even as per the assessment of the learned Sessions Judge, the compromise arrived at seems to be genuine and without any pressure upon the complainant and the victim.

A reply dated 16.12.2021 has also been filed by the DSP, City Jhajjar, stating therein that there is no other FIR registered against the petitioner or his co-accused, though as regards the investigation carried out, the facts of the FIR seem to be borne out as per the affidavit (with no comment whatsoever made by this court in that regard).

The aforesaid reply is ordered to be taken on record.

Ms. Jaspreet Kaur, Advocate, appears for the respondent no.2/ complainant and also does not deny the factum of the compromise.

That being so, and with there being no other criminal case registered against the petitioner (or the victim), there would not seem to be any 'danger' of the petitioner coming into contact with 'anti-social elements' in society.

Consequently, without making any comment on the actual merits of the case, the appeal is allowed and the appellant is ordered to be admitted to bail, upon him furnishing bail and surety bonds to the satisfaction of the learned Children's Court.

February 25, 2022

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable: No