

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-68-2023

Date of Decision:05.01.2023

AJRU @ AJRUDEEN

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K. Kataria, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.384 dated 06.10.2022, registered at Police Station Ferozpur Jhirka under Sections 6 (converted from Section 10 while filing challan) of Protection of Children from Sexual Offence Act.

Learned counsel for the petitioner *inter alia* contends that FIR was registered under Section 10 of POCSO Act. The petitioner in terms of Section 167 (2) of Cr.P.C. vide order dated 06.12.2022 passed by Trial Court was released on default bail. The prosecution has filed challan under Section 6 of POCSO Act. The prosecution filed an application seeking cancellation of bail granted by Trial Court and petitioner filed an application seeking anticipatory bail qua Section 6 of POCSO Act. Trial Court vide order dated 23.12.2022 has dismissed applications of both sides. The Trial Court has observed that application

of prosecution seeking cancellation of default bail has been dismissed, thus, there is no apprehension of re-arrest hence anticipatory bail is not maintainable. The trial was fixed for arguments on charge on 02.01.2023. The petitioner did not appear on 02.01.2023 due to hospitalization.

Learned counsel for the petitioner would submit that petitioner would appear on 23.01.2023 i.e. the date fixed before the Trial Court and move appropriate application seeking regular bail.

The petitioner is directed to appear before Trial Court on 23.01.2023 and move an appropriate application seeking regular bail *qua* Section 6 of POCSO Act. The Trial Court is directed to decide his application on the same day.

Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

05.01.2023
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>