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

CRM-M-31285-2024

Date of decision : 10.12.2024

**XXXX Through his natural guardian/father Ravi Kumar @ Ravi
Kumar Dangi**

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.K. Agnihotri, Advocate and
Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.140 dated 04.03.2024, under Section 6 of Protection of Child from Sexual Offences Act, 2012 registered at Police Station Krishna Gate, District Kurukshetra, Haryana.

2. As per the case of the prosecution, the FIR in the present case was lodged on the statement of the mother of the victim. It was alleged that she is having two children, the elder one is 12 years of age, whereas the son is 10 years of age. On 24th, her son i.e. the victim came to her and told about the offence committed by the petitioner and on the basis of the same, the FIR was registered. Investigation commenced. The petitioner was arrested on 06.03.2024. He was found to be less than 18 years of age, however, being more than 16 years, he was tried as an adult. The petitioner approached the Learned Additional Sessions Judge, Fast Track, Special Court, Kurukshetra for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions



Judge, Fast Track, Special Court, Kurukshetra vide order dated 04.06.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He submits that from the bare reading of the allegations made against the petitioner, the offence as alleged is also not made out. He submits that the learned trial Court has declined the bail petition filed by the petitioner primarily on the ground that the victim and the complainant have not been examined. He submits that the petitioner is a student of 10th Class, who is languishing in jail from the last about 09 months and his whole life is at stake. He relies upon the judgments passed in '*Sachin @ Suraj Vs. State of Haryana*', '*Neeraj Vs. State of Haryana*', '*Shubham @ Bablu Milind Suryavanshi Vs. The State of Maharashtra*' and '*CCL 'A' Vs. State (NCT of Delhi)*' passed in *CRA-S-149-2003*, *CRM-M-22942-2022*, *Bail Application No.2282 of 2021 and Bail Application No.2510 of 2020, respectively* and submits that even if the petitioner is being tried as an adult, he deserves to be granted benefit of Section 12 of POCSO Act. He submits that the material witnesses already stand examined in the present case as on date and thus, in the overall facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that there are specific allegations against the petitioner. He submits that the petitioner though being less than 18 years of age, is a juvenile, however, on his due assessment he was found to be tried as an adult. It is submitted that the victim and the complainant have been examined and they have



duly supported the case of the prosecution. He submits that out of total 13 prosecution witnesses 07 witnesses have been examined as on date. He, thus, submits that the petition deserves to be dismissed.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the victim as well as the petitioner both are juvenile in the case in hand. The petitioner is being tried as an adult. There is nothing on record to show that the petitioner has any criminal antecedents. The petitioner is a student of 10th Class and he is behind bars since 06.03.2024. The complainant and the victim already stand examined. Needless to say, keeping a juvenile behind bars for a longer period would adversely affect his future. In the overall facts and circumstances, this Court finds that the petitioner deserves to be granted regular bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.12.2024

(RAJESH BHARDWAJ)
JUDGE

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