



102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34043-2024 (O&M)
Date of Decision: 30.08.2024

AXXX

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

Mr. Rajesh Bansal, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 320 dated, 05.06.2024, registered at Police Station Old Industrial, District Panipat, under Sections 376-D, 376 (2) (n) and 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012.
2. I have heard counsel for the petitioner, the State counsel and perused the relevant document.
3. Learned counsel for the State has filed a Social Investigation Report (SIR) given by the Legal-cum-Probation Officer, District Child Protection Unit, Panipat, which reflects that the petitioner is having two siblings, aged 12 years and 07 years. It is further mentioned in the Social Investigation Report that the petitioner had studied up-to 12th Class and he was working on a shop for earning at the time of alleged occurrence.



3.1 As per the status report, there are three other cases pending against the petitioner and during these cases the petitioner (Child in Conflict with Law-CCL) was in bad company. As per the family, the past image of the child was not good but now child's social image and believe is good. As per the report, the CCL needs a chance to reform according to law.

4. The allegations against the petitioner are that he along with his co-accused have committed a gang rape upon the prosecutrix by taking her on his motor-cycle to the tube-well room ('*Kotha*') in the fields of Pardeep and at that time he was escorted by his co-accused Saurabh. Thereafter, both, the petitioner and his co-accused Saurabh had committed wrong act several times upon the prosecutrix. The prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C (Annexure R-1) and her medical examination (Annexure R-2) has also been conducted. As per the birth certificate attached along with the status report (Annexure R-3), the date of birth of the prosecutrix is 18.11.2007 and she was 16½ years old at the time of the alleged occurrence.

5. No doubt a sympathetic view is to be taken keeping in view the juvenility of the petitioner, however, the status report points out that there are three other FIRs in which the petitioner is involved, which are as under:-

- i. FIR No. 97, dated 20.02.2023, under Section 379 of IPC, registered at Police Station Old Industrial, Panipat. (The petitioner is on bail in this case and the case is under trial).
- ii. FIR No. 450, dated 09.10.2022, under Sections 457 and 380 of IPC, registered at Police Station Old Industrial, Panipat. (The case is compounded and the petitioner is acquitted in this case).



iii. FIR No. 174, dated 30.03.2023, under Sections 457 and 380 of IPC, registered at Police Station Old Industrial, Panipat. (The petitioner is on bail in this case and the case is undertrial).

6. I have considered the contentions raised on behalf of the petitioner that the present FIR is a counter-blast to the FIR No. 173, dated 06.06.2024, under Sections 148, 149, 323 and 506 IPC, registered at Police Station Model Town, District Panipat, registered at the instance of the petitioner against the brother of the prosecutrix. A perusal of the said FIR (Annexure P-3) indicates that the said FIR is subsequently, registered on 06.06.2024, whereas the present FIR is prior in time. As such, the contention that it was a counter-blast to the said FIR No. 173 is not plausible.

7. Keeping in view the totality of these circumstances and the past history of the petitioner and also in view of the Social Investigating Report, I am of the considered opinion that the petitioner is not entitled for the concession of anticipatory bail. As such, declining the concession of anticipatory bail to the petitioner, vide order dated 11.07.2024 (Annexure P-2) by Fast Track Court (POCSO), Panipat, does not suffer from any illegality or irregularity.

8. Consequently, the present petition stands dismissed and the interim order dated 18.07.2024 passed by this Bench stands vacated.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 30, 2024 (HARPREET KAUR JEEWAN)
nitin JUDGE

Whether Speaking	Yes
Whether reportable	No