

**106+205 CM-7160-CWP-2017 in/and
CWP-6739-2013**

**BABY KAJAL AND ANR
V/S
STATE OF PUNJAB AND ORS**

Present: Ms. Veena Kumari, Advocate,
for the petitioners.

Ms. Anu Pal, AAG, Punjab.

Miscellaneous application CM-7160-CWP-2017 is allowed.

Replication is permitted to be taken on record. Copy supplied.

After hearing learned counsel for the petitioners, I am of the opinion that the petitioners, who claim having been orphaned on account of death of their mother by burning, are victims who would be entitled under the schemes framed under Section 357-A (1) Cr.P.C. for providing funds for the purpose of compensation to the victims who have suffered injuries as a result of the crime and who require rehabilitation as per Section 357 (2) Cr.P.C to be granted compensation by the District Legal Service Authority or the State Legal Service Authority under the Scheme.

Counsel for the petitioners is not aware of any such Scheme having been framed.

Learned State counsel informs that a scheme has been framed under Section 357-A Cr.P.C by the State of Punjab in the year 2011 i.e. Punjab Victim or the Dependents Compensation Scheme, 2011.

A dispute has been raised by the State counsel that the petitioners will not fall under the said Scheme as a perpetrators of the crime are not traced and identified and no trial has taken place.

I have considered the said contention and I am of the opinion that the above said scheme is a social legislation and is to be construed liberally. In case, the petitioners are not held entitled to be eligible for any benefit under the said Scheme, the interest of justice would be defeated and the objective of the Scheme and the provisions of Section 357-A Cr.P.C would be defeated.

For arguments, adjourned to 27.09.2017.

Meanwhile, an interim direction is issued that the petitioners will be paid a sum of Rs. 1 lac each by the Punjab State Legal Services Authority out of the amount of the cost which is deposited with the said Authority under the orders of different Courts and another sum of Rs. 1 lac each will be paid by the State Government within a period of one month subject to the final decision of the present writ petition.

May 15, 2017
harsha

(M.M.S. BEDI)
JUDGE