

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

**Crl. Revision No. 1392 of 2015 (O&M)
Date of decision : 19.05.2015**

Gurlal Singh

..... Petitioner

versus

State of Punjab

... Respondents

CORAM:- HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Dhirinder Chopra, Advocate
for the petitioner.

Mr. Deep Singh, Addl. AG, Punjab.

Mrs. Baljit Maan, Advocate
for the complainant.

ANITA CHAUDHRY, J.

1. This revision has been preferred by the Juvenile who is facing trial in case FIR No.199 dated 31.07.2014, registered under Sections 307, 341, 324, 323, 506, 148, 149 IPC (Section 302 IPC was added later on) at Police Station Samana, District Patiala.

2. It is necessary to first give the manner in which the occurrence took place. On 30.07.2014, complainant Surat Singh disclosed that he was returning along with his brother, after completing his work on their motorcycles. Gurnam Singh and Kulwinder Singh were ahead. The complainant was travelling with Satnam and Parkash Singh on another motorcycle. They had reached near the water tank when all the accused came armed with

Gandasis, Kirpans and Sotis. The petitioner Gurlal Singh was armed with a Gandasi. All of them raised lalkara and started inflicting injuries on the complainant side. In this incident one person died and four persons were injured.

3. The petitioner claimed himself to be 17 years and 7 months old. His challan was presented before the Juvenile Justice Board. An application was moved seeking bail which was declined by the Juvenile Justice Board. Aggrieved, an appeal was preferred before the Additional Sessions Judge. The Additional Sessions Judge while referring to the provisions contained in the Juvenile Justice (Care and Protection of Children) Act, 2000, passed the following order:-

"In the present case there appears to be sufficient reasonable grounds for believing that his release is likely to expose him to moral, physical or psychological danger and also that his release would defeat the ends of justice. The FIR would itself disclosed that it was only the appellant/juvenile who had an altercation with the nephew of the complainant two-three days prior to the occurrence. His role and active participation in the commission of the crime would also lead this Court to observe that if released on bail it would give a wrong signal to the society. Moreover, no one from the family has come forward in the present appeal in order to satisfy the conscience of the Court for holding that the Juvenile/appellant would not be exposed to any type of danger. Further, it appears from the facts on record that father Hardev Singh and uncle Sher Singh of the present juvenile/appellant are already in custody therefore there would not be any adult male member in the family to keep a watch and protect

the juvenile/appellant against any kind of moral, physical or psychological danger, as he can be viewed by the complainant party as the sole reason behind the occurrence. An objective assessment of the aforesaid facts would provide sufficient ground to observe that the release of the juvenile is likely to expose him to moral, physical or psychological danger and that his release would defeat the ends of justice. In my opinion, in the present set of circumstances, the benefit of bail cannot be granted to the juvenile. There is material on record which clearly indicates that the release of the juvenile is likely to bring him in to association with bad company and would expose him to physical, moral or psychological danger and that his release would defeat the ends of justice."

4. I have heard both the sides.

5. The counsel for the petitioner contends that the mother of the petitioner had died and though the father and uncle were in custody in the case but two elder sisters of the petitioner who were unmarried can look-after the petitioner. Learned counsel further contends that the bail has been allowed to Partap Singh, a co-villager against whom there are similar allegations.

6. The arguments have been opposed by the complainant side as well as the State. The counsel for the complainant urges that the incident occurred on account of the earlier dispute between Sukhchain and the petitioner and that was the motive for the attack and all the accused had come prepared and were heavily armed. The counsel contends that Partap was allowed bail as his role was seemingly lesser and he was not a co-villager and petitioner's case

is to be considered keeping the parameter contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

7. The father and uncle of the petitioner are in custody in the present case. There is no adult member in the family who can keep a watch and protect the juvenile. Both the Courts below have examined the case carefully and had recorded a finding that if the juvenile was released, it would expose him to moral and psychological danger and his release would defeat the ends of justice. I have no reason to differ. There is no infirmity in the findings.

The revision is dismissed.

(ANITA CHAUDHRY)
JUDGE

19.05.2015
Sunil