

CRR-3443-2015 (O&M)

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

CRR-3443-2015 (O&M)

Date of Decision: November 06, 2015

Balwinder Singh @ Babbu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.A.K.Khunger, Advocate
for the petitioner.

Mr.P.S.Paul, DAG, Punjab.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Challenge in the present criminal revision petition is to the judgment, dated 27.08.2015, passed by learned Additional Sessions Judge, Fazilka, whereby the appeal filed by the petitioner challenging the order of dismissal of his bail application by the learned Principal Magistrate, Juvenile Justice Board, Fazilka, in a case arising out of FIR No.63, dated 13.06.2015, for the offences punishable under Sections 363, 366 and 376, IPC, registered at Police Station, Khuian Sarwar, District Fazilka, was dismissed.

Learned counsel for the petitioner submits that concededly, the petitioner was a juvenile on the date of occurrence; after registration of the FIR, the preliminary

investigation revealed that the prosecutrix had intimate relations with the petitioner and as a sequel thereto there were sex relations between the two. He further submits that as per Section 12 of the Juvenile Justice Act, the petitioner is entitled to bail during pendency of the investigation/enquiry relating to the juvenile. He further contends that petitioner was arrested on 20.06.2015 and after completion of the investigation, charge-sheet was presented before the learned Principal Magistrate, Juvenile Justice Board, Fazilka, and the case is going on.

Learned counsel for the State, on instructions from SI Baljit Singh, Police Station, Khuian Sarwar, has fairly conceded that the petitioner was less than 18 years of age at the time of occurrence and during investigation it has emerged that the prosecutrix had a love affair with the petitioner prior to the occurrence.

After hearing the learned counsel for the parties, the present criminal revision petition is accepted. The petitioner-Balwinder Singh @ Babbu son of Sh.Jammu Ram, resident of village Giddrian Wali Khuian Sarwar, District Fazilka, who is now more than 18 years of age, is directed to be released on bail during pendency of the case before Principal Magistrate, Juvenile Justice Board, subject to his furnishing bail bonds to its satisfaction.

November 06, 2015
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(NARESH KUMAR SANGHI)
JUDGE