

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

Crl. Rev. No. 1025 of 2017 (O&M)

Date of Decision : August 02, 2017

Ashu Petitioner

VERSUS

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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?

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Present: Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Ms. Riffi Birla, Advocate
for the complainant.

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LISA GILL, J. (Oral)

CRM-18427-2017

Statement of PW2 dated 17.03.2017/07.04.2017 (Annexure A-1) are taken on record subject to just exceptions. Filing of certified copy of the said document is exempted.

Application is disposed of.

CRR-1025-2017

The petitioner, a juvenile, seeks to be released from custody in FIR No. 53 dated 13.05.2011 under Sections 376/452/506 IPC registered at Police Station City Fazilka, District Fazilka.

It is submitted that the petitioner has been in confinement since 22.09.2016. It is further submitted that the prosecutrix, who was admittedly 20 years old at the time of the alleged occurrence, has since testified before the learned trial Court. A copy of her statement is attached as Annexure A1 with this petition. Learned counsel for the petitioner submits that on an earlier occasion, petition filed by the petitioner seeking anticipatory bail was dismissed by this Court. The petitioner was not declared to be a juvenile at this point of time. He was declared to be a juvenile in July 2016. The petitioner's second application for anticipatory bail after being declared a juvenile was dismissed by this Court on 20.09.2016. He was directed to surrender before the learned trial Court on 23.09.2016. Accordingly, the petitioner appeared before the Juvenile Justice Board on 22.09.2016 itself. It is submitted that the petitioner is not involved in any other case. Further confinement of the petitioner is not called for as there are no reasonable grounds to believe that his release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. The petitioner it is submitted undertakes to be present before the learned trial Court on each and every date fixed. Thus, this petition be allowed.

Learned counsel for the State, on instructions from ASI Karnail Singh, affirms and verifies that the prosecutrix in this case was a major at the time of the alleged incident and she has since been examined before the

learned trial Court in April 2017. It is verified that the petitioner is not involved in any other case. No recovery is to be effected from the petitioner who is in custody since 22.09.2016. No such grounds as mentioned in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for denying bail to the petitioner have been brought forth. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner in confinement any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, the petitioner be released from confinement on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

02.08.2017*rupi***(LISA GILL)
JUDGE****Note:** Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No