

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

CRR-276-2017

Date of decision:-10.1.2018

Girdor Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.S. Brar, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This revision petition has been filed by Girdor Singh, a juvenile in conflict with law with respect to FIR No.48 dated 24.3.2016, under Section 302/34 IPC, Police Station Nihal Singh Wala.

Briefly stated, the facts of the case as per prosecution version are that on 23.3.2016, Gurtej Singh along with Girdor Singh, present petitioner had gone to Balvir Palace, Badhni Kalan, District Moga in connection with their work of preparing meals etc. at functions and parties, however, Gurtej Singh and Girdor Singh did not return home; that complainant Thana Singh, elder brother of Gurtej Singh then contacted Pappu Singh father of Girdor Singh and Pappu Singh telephonically contacted Girdor Singh asking him regarding their whereabouts, to which he replied that they were present at ITI of village Manuke, District Moga

near Nihal Singh Wala – Baghapurana G.T. Road since some unknown persons had caused injuries to Gurtej Singh and blood was oozing out of his body; that Girdor Singh had asked his father to come there; that thereafter Pappu Singh went and brought back Gurtej Singh to his house in injured condition; that Gurtej Singh was taken to Civil Hospital, Moga, however, he died during treatment. Formal FIR was registered on the basis of statement of complainant Thana Singh, a brother of Gurtej Singh deceased. Accused was arrested in this case. He had moved an application for regular bail, which was declined by Additional Sessions Judge, Moga vide order dated 28.11.2016 with the following observations:

Record perused. As per the allegations levelled by the prosecution, juvenile/applicant Girdor Singh has committed the murder of Gurtej Singh. The juvenile/applicant is in custody since 4.4.2016. This Court is of the opinion that serious allegations have been levelled against the juvenile/applicant as he has committed the murder of Gurtej Singh of village Manuke Gill. This Court is further of the opinion that if the juvenile/applicant is released on bail, he will be involved in other crime and his release will bring him in bad company or expose him to moral, physical or psychological danger. Since, the juvenile/applicant has committed the heinous crime and if he is released on bail, it will defeat the ends of justice. Accordingly, the present bail application filed by the juvenile/applicant stands dismissed.

As such the petitioner has knocked at the door of this Court seeking concession of regular bail by way of filing the present revision petition, notice of which was issued to the respondent – State, which put in appearance through counsel. The present revision petition is being hotly

contested by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The main plea of learned counsel for the petitioner is that learned Additional Sessions Judge, Moga has not given the reasons for the dismissal of the application. The petitioner is entitled to grant of bail in view of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015. In support of his contention, he has referred to *Rajinder Chandra Versus State of Chhatisgarh, 2002(1) R.C.R.(Criminal) 586, Sandeep @ Sipi Versus State of Punjab, 2016(3) R.C.R. (Criminal) 776, Kalu @ Amit Versus State of Haryana, 2012(4) R.C.R.(Criminal) 6, Bittu Versus State of Haryana, 2015(2) R.C.R.(Criminal) 316* and *Balkar Singh Versus State of Punjab, 2005(1) R.C.R.(Criminal)576.*

Whereas, learned State counsel has opposed the request tooth and nail.

After hearing the rival contentions of the parties, I find that the petition lacks merit. The Court of learned Additional Sessions Judge, Moga has given the reasons in detail for arriving at the conclusion that petitioner is not entitled to grant of regular bail considering the fact that he has committed heinous crime of committing murder and if he is released on bail that would defeat the ends of justice. Various other reasons for declining the bail application have been given. As regards the authorities referred to by learned counsel for the petitioner, those do not find application to the present case due to different facts and

circumstances and the context in which such observations have been made.

There is no illegality or infirmity in the order passed by the Court below. The same is upheld whereas the criminal revision is found to be without any merit and the same is dismissed accordingly.

10.1.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No