

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

CRR No.1064 of 2019(O&M)

Date of Decision:-9.5.2019

Hardeep Singh @ Deep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harpal Singh Saggu, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail. The petitioner assails order dated 1.2.2019 passed by learned Sessions Judge, Sangrur, whereby his appeal challenging order dated 15.1.2019 declining his bail application by the Juvenile Justice Board, has been dismissed.

The allegations, in nutshell are that the complainant alleged that on 17.11.2018 while he was returning home from school then Hardeep Singh aged about 14-15 years, Tarlochan Singh @ Pardhan aged about 18-19 years, Labhi aged about 12-13 years, Akash aged about 11-12 years and Amar aged about 11-12 years met him and that Tarlochan Singh asked him to get receipt for Kabaddi tournament so that he could take part in the same. When the complainant expressed his reluctance, he was forcibly taken to nearby plots where Hardeep Singh on the asking of Tarlochan Singh committed unnatural

offence with him. When the complainant tried to prevent Hardeep Singh, he was slapped by Labhi and Akash. Amar is stated to have made video of the entire incident on the asking of Tarlochan Singh and later on he was threatened not to disclose about the incident failing which the video would be circulated.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case, the petitioner being a juvenile deserves the concession of bail more particularly when he has already been behind bars since the last 5 ½ months.

Opposing the petition, the learned State counsel has submitted that the petitioner is main accused and as such does not deserve the concession of bail. It has been informed that although charges have been framed but till date only 1 out of the 14 prosecution witnesses has been examined.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner, who is a juvenile, has been behind bars since the last 5 ½ months and the trial in its normal course is not likely to be concluded in immediate future, the petition is accepted and the impugned orders are set aside. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The parents of the petitioner shall ensure that the petitioner does not come in association with any known criminals and keeps away from such persons and does not indulge in any other offence while on bail.

The petition stands accepted accordingly.

9.5.2019
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No