

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-40300 of 2019 (O&M)
Date of decision : December 11, 2019

Pardip @ Popan

....Petitioner

versus

Union Territory of Chandigarh

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rajiv Sharma, Advocate, for the petitioner
Mr. Rajeev Anand, APP, UT Chandigarh

Fateh Deep Singh, J. (Oral)

The petitioner a minor aged around 16 years 6 months at the time of the occurrence in conflict with law is facing accusation in case FIR No. 96 dated 27.4.2019 under Sections 376, 363, 366 IPC and Section 6 of the POCSO Act, Police Station Sector-36, Chandigarh. The Board vide orders dated 12.7.2019 has ordered that there is need of trial of the juvenile as an adult in terms of Section 18 of the Juvenile Justice (Care and Protection of Children), Act, 2015 and his bail was declined by the court of learned

Additional Sessions Judge, Chandigarh.

Heard counsel for the parties and perused the records.

The allegations against the petitioner has been levelled by a minor girl a student of 10th class then aged around 14 years. The prosecution alleged that on 23.4.2019 around 4.00 PM while she was playing in the park the petitioner came and first took her to hotel in Burail where he defiled her and thereafter in a train from Chandigarh to Panipat and after roaming came back to hotel in Burail where again she was defiled.

Learned counsel for the petitioner has argued that the petitioner has undergone incarceration for more than 7 months and 15 days and at the time of occurrence was hardly 16½ years and being juvenile certainly entitled to bail.

Learned State counsel has opposed the bail in view of the allegations of heinousness of the offence.

The petitioner and so the victim both are minors. The petitioner though has been ordered to be tried as an adult and on the day of occurrence his age was around 16½ years and therefore, has undergone incarceration of more than 7½ months. Keeping in view the fact that keeping the petitioner in incarceration would be detrimental to his physical and mental health and there is

need to transform him and bring about reformation for larger public interest as he in the light of the submissions of the State counsel is not facing any other criminal charges. The trial is not likely to be concluded in near future and it is fit case to allow the bail to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

The present petition stands disposed off accordingly.

December 11, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No