

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.104

CRM-M-64783-2018

Date of decision : 7.1.2019

Tejinder Singh @ Neeraj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pranav Handa, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is allegedly a juvenile. He has been named as an accused in FIR No.102 dated 28.8.2018 registered at P.S. Lambra, District Rural-Jalandhar, under Section 377 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012. Thus, the present petition for grant of anticipatory bail has been filed.

The petition moved by the petitioner before the Sessions Court for the same relief was dismissed on the ground of maintainability.

Learned counsel for the petitioner submits that the police is raiding the house of the petitioner and therefore, he apprehends arrest.

Section 12 of the Juvenile Justice Care and Protection of Children Act, 2015, is self-speaking. It provides that when a child is apprehended or detained by the police, he shall be released on bail notwithstanding anything contained in the Code of Criminal Procedure, 1973. However, if there are grounds to believe that the release of such a person on bail is likely to bring him into contact with known criminals or expose him to mental physical or psychological danger, bail shall be denied for reasons to be recorded in writing by the Juvenile Justice Board and in such a situation, the child shall be remanded to an observation home.

Thus, the learned Sessions Court was justified in dismissing the anticipatory bail petition on the ground of maintainability. In view of Section 12 of the Act, a juvenile is entitled to bail upon his arrest and therefore, petition for grant of anticipatory bail is not maintainable.

The petition is without merit and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

7.1.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No