

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

CRR 669 of 2019(O&M)
Date of Decision: September 04, 2020

SandeepPetitioner
Versus
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Revisionist/petitioner, who is a juvenile in conflict with law feeling aggrieved over the order dated 22.02.2019 of the Court of learned Additional Sessions Judge, Fast Track Court, Sonipat dismissing the appeal under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (in short, '**the Act**') has come in this revision.

Heard Mr. Sanjay Vashisth, Advocate for the

petitioner and Mr. Baljinder Virk, DAG, Haryana learned State counsel and perused the record.

The juvenile in conflict with law had moved the learned Principal Magistrate, Juvenile Justice Board, Sonipat for grant of regular bail and which stood declined vide order dated 28.01.2019. It is, thereafter, the juvenile filed an appeal under Section 52 of the Act which too met its nemesis vide order dated 22.02.2019 by the Court of learned Additional Sessions Judge.

Appreciating the submissions, the allegations against the petitioner/juvenile are that he was in relationship with the victim/daughter of the complainant who is aged 16 ½ years. As per the allegations on 22.12.2018, the minor girl was enticed by co-accused/non-applicant Neeraj friend of the the present petitioner Sandeep and thereafter alongwith one Neeraj Panchal enticed the girl and took her away. It was on the basis of the information provided by the father the present case was got registered.

The arguments of Shri Sanjay Vashisht for the petitioner that petitioner is under detention since 13.12.2018 and because of the prevalent situation of COVID-19 pandemic not much progress is being made submitting that in view of the incarceration undergone necessitates sympathetic action.

Mr. Baljinder Virk, DAG, Haryana on behalf of the State has sought to oppose the prayer on the grounds that releasing the petitioner would bring him in association with

hardcore criminals and might expose him to danger.

Appreciating the submissions, it is by no means differed that the petitioner happens to be a minor and has undergone incarceration for more than twenty months. The nature of the offence and the fact that he is first time offender is a mitigating circumstance as keeping him inside would be more detrimental to his physiological and mental health. The present situation of COVID-19 pandemic is a circumstance which would certainly unduly delay the proceedings against the petitioner/juvenile. The Court below without there being any substantial evidence had acted in a most harsh manner by declining him the relief when there was no previous criminal history of the petitioner/juvenile.

In the light of the foregoing discussion, this Court deems it imperative to set-aside the orders dated 28.01.2019 and 22.02.2019 and, allow the instant petition, accordingly, the petitioner/juvenile be set at liberty to the satisfaction of the Juvenile Justice Board, Sonipat.

September 04, 2020

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No