

S.No.101

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

CRR No.883 of 2020

Date of Decision:02.06.2020

Harmandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Narinder Singh Dadwal, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is revision challenging order dated 10.05.2020 passed by learned Additional Sessions Judge, Ludhiana, whereby the bail application filed by the petitioner in case FIR No.48 dated 19.04.2020 registered under Sections 377/34 IPC (later on offence under Section 6 of PSCO Act was added) at Police Station Sadar, Khanna was ordered to be dismissed.

It is contended by counsel for the petitioner that there is no dispute that the petitioner is a juvenile as per the provisions of law. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, 'the Juvenile Justice Act') prescribes eventualities where the juvenile can be denied bail. However, none of those eventualities are discernible or even alleged in the present case. Otherwise also, the allegations against the petitioner are motivated. Still further, it is submitted that the petitioner is a student of matriculation and he is appearing in the annual exam. The examination in certain subjects is yet to be held. The petitioner would be required to prepare and to appear in that exam as well.

Notice of motion.

Mr. H.S. Sullar, DAG, Punjab, accepts notice on behalf of the State. Learned State Counsel submits that the petitioner has rightly been declined bail by the Court below. The petitioner is involved in a heinous crime and he does not deserve any sympathy. Hence, the present petition deserves to be dismissed.

Having perused the paper book and considered the respective arguments, this Court is of the view that the order passed by the Court below deserves to be set aside. The record or the circumstances of the case do not show that there is any reasonable ground for believing that the petitioner is likely to bring himself into association with known criminals if released on bail; or that he will expose himself to some moral, physical or psychological danger.

Otherwise, the policy and provision of the Juvenile Justice Act is in favour of grant of bail to the juvenile. The same can be declined only on the grounds which are specified under the Juvenile Justice Act. Since the circumstances or the grounds justifying denial of the bail are not discernible in the case, therefore, the petitioner deserve to be allowed concession of bail.

Accordingly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the concerned Chief Judicial Magistrate/ Duty Magistrate.

June 02, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No