

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

CRR No.1056 of 2020 (O&M)

Date of decision: 07.08.2020

Jagdeep Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dhananjay Mittal, Advocate,
for the petitioners.

Mr. M.S. Dullat, Addl. A.G., Punjab.

Ritu Bahri, J.

This petition has been filed against the order dated 20.05.2020 passed by the Children's Court (Sessions Judge), Mansa, vide which, appeal filed by the petitioners against the order dated 01.05.2020 passed by the Principal Magistrate, Juvenile Justice Board, has been dismissed.

While dismissed appeal of the petitioners, Children's Court, Mansa, has observed that one of the petitioners have committed unnatural offence with the child victim and the other petitioner made video of the commission of offence. Thereafter, they made it viral by uploading on social media. It has been further observed that the present case is covered in one of the exceptions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and their release would expose them to physical or psychological danger as the parties are inimical towards each other.

On a specific query put to learned State counsel, he on

instructions from ASI Gamdoor Singh, informed that both the petitioners' and victim's families are residing in the same village i.e. village Reond Kalan, Tehsil Budhlada, District Mansa and if, the petitioners are released on bail and stay with their families, they will ensure that they are not harassed by the family of the victim and if, any complaint is made by them, police will take steps in accordance with law immediately. In the present case, as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, there are only three grounds to decline bail to the juvenile. These grounds are reproduced as under:-

- “(i) If there appear reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal;
- (ii) The release will expose the juvenile to moral, physical or psychological danger; and
- (iii) His release would defeat the ends of justice.”

Keeping in view that the police will immediately act on the complaint made by the petitioners, if they are harassed by the family of the victim, there is no reason to doubt that they will be in a vulnerable position, where they will have to face any criminal proceedings. With respect to the second clause, learned State counsel states that the petitioners are not likely to be exposed to any moral, physical or psychological danger. In this backdrop, they are entitled to be released on bail as none of the exceptions in Section 12 of the Act, at this stage, is made out.

Learned State counsel further stated that the challan has been presented on 24.06.2020 and the charges are yet to be framed.

Keeping in view the above circumstances, this petition is allowed

and impugned orders dated 01.05.2020 and 20.05.2020 passed by the Courts below are set aside. The petitioners are ordered to be released on bail during the pendency of trial to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Mansa subject to furnishing bail/surety bonds by their natural guardian/near relatives. It is further observed that if, there is any threat, the petitioners will immediately approach the police department for protection.

07.08.2020
ajp

(RITU BAHRI)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No