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

**CRR No.1316 of 2020 (O&M)
Date of Decision: .21.12.2020**

HAPPY KAUR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has challenged the order dated 05.11.2020 passed by the Additional Sessions Judge, Patiala, whereby the appeal filed by the juvenile/petitioner against the order dated 30.09.2020 passed by the Principal Magistrate, Juvenile Justice Board, Patiala was dismissed.

Learned counsel for the petitioner submitted that initially FIR No.261 was registered on 24.10.2019 for the offence under Sections 363 and 366-A IPC in Police Station Patran. The petitioner along with Gurpreet Singh filed CRM-M No.15038 of 2020 alleging date of birth of petitioner to be 20.08.2000 on

affidavit instead of real date of birth as 20.08.2002. This Court vide order dated 22.09.2020 ordered for registration of criminal case on the ground that the petitioner has attempted to mislead and hoodwink the Court. Resultantly, offence under Sections 420, 465, 468, 471 and 120-B IPC have been added.

Learned counsel further submitted that petitioner is minor and being in conflict with the law is detained in observation Home on the ground that she has tried to alter the documents by changing her date of birth. Petitioner is entitled for concession of regular bail in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as 'the Act'). The gravity of offence is immaterial under the aforesaid Act. The only consideration at this stage is to reach at a *prima facie* conclusion that the ends of justice would be defeated in the event of enlarging the juvenile in conflict with law on bail and such release of juvenile would expose him/her morally, physically and psychologically, when he/she will be associated with known criminal. The bail can be rejected only in three eventualities i.e. where reasonable ground exists for believing that the release of juvenile in conflict with law is likely to bring him/her in association with known criminal, secondly his/her release would expose him/her morally, physically and psychologically and thirdly the release would defeat the ends of justice. Though the culpability of the

petitioner has been enlarged on the basis of order passed by the High Court, but the fact remains that the petitioner is being tried for the offence under Sections 420, 465, 468, 471, 120-B, 363, 366-A IPC and she being a juvenile is detained in the observation home.

On the other hand, learned State counsel submitted that challan has been presented on 22.10.2020. Petitioner is not entitled for any indulgence for grant of regular bail as the FIR in question has been registered on the basis of orders passed by this Court.

Taking into consideration the totality of facts and circumstances of the case and keeping in view the custody of the petitioner since 29.08.2020, I deem it appropriate to enlarge her on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the Principal Magistrate Juvenile Justice Board, Patiala.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

December 21, 2020

Atik

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No