

215

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

**CRR No.166 of 2021 (O&M)
Date of Decision: 25.02.2021**

GAGANDEEP SINGH @ GAGGA @ PREM KUMAR

.....Petitioner

**Vs
STATE OF PUNJAB**

.....Respondent

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

Present: Mr. G.L. Bajaj, Advocate
for the petitioner.

Mr. Randhir Singh Thind, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner has preferred this Crl. Revision petition against the order dated 03.12.2020 passed by the Addl. Sessions Judge, Faridkot and order dated 19.10.2020 passed by the Principal Magistrate, Juvenile Justice Board, Faridkot, whereby bail of the petitioner was cancelled.

Petitioner claims himself to be juvenile. Prosecutrix was also minor. She was recovered on the demarcation of the petitioner and her statement was also recorded under Section

164 Cr.P.C. by the Magistrate. The prosecutrix has tried to absolve the main accused in her statement under Section 164 Cr.P.C.

The FIR was registered on the statement of Subhash Chander father of the victim. The allegations are that on 08.09.2020, when the wife of the complainant came from her work at about 2.30 P.M., she did not find her minor daughter in the house. She told the complainant when he came back to house at 5.00 P.M. The allegations were made against the petitioner, Bimla Rani and Rahul in the context of kidnapping of the minor daughter of the complainant by enticing her on the pretext of marriage with the petitioner.

Learned counsel for the petitioner submitted that in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Rules framed thereunder, the gravity of offence is immaterial and the juvenile is entitled to be released on bail unless there are reasonable grounds to believe that his release would likely to bring him into association with known criminal or would expose him morally, physically and psychologically or his release would defeat the ends of justice. 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 in association

with known criminal, the release would expose him morally, physically and psychologically and the release would defeat the ends of justice

At this stage, there is no such material on record to arrive at even *prima facie* conclusion in the aforesaid context. Co-accused Rahul Kumar has already been granted anticipatory bail vide order dated 24.11.2020 passed in CRM-M No.32525 of 2020. Co-accused Bimla is also on regular bail.

The aforesaid facts could not be disputed by learned State counsel, however he opposed the bail on the ground of gravity of offence.

Keeping in view the facts and circumstances of the case, I deem it appropriate to set aside the impugned orders and grant regular bail to the petitioner subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Faridkot.

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

(RAJ MOHAN SINGH)
JUDGE

February 25, 2021
Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No