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

**CRM-M No. 11724 of 2021
Date of Decision: 08.04.2021**

LOVEPREET

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner has preferred this petition under Section 438 Cr.P.C for grant of anticipatory bail in case bearing FIR No.04 dated 16.01.2021 registered under Sections 436, 452, 427, 149 IPC, 1860 Police Station Bhargo Camp, District Jalandhar.

Learned counsel for the petitioner submits that vide order dated 26.02.2021 passed by Additional Sessions Judge, Jalandhar, petitioner has been declared to be a juvenile.

Learned counsel further submits that Section 436 IPC applies to a building which is ordinarily used as a place of worship or as a human dwelling or as a place of custody of property. Mischief in an open plot does not fall under the ambit of Section 436 IPC. The FIR was registered by the complainant Jagiri Lal in respect of damage caused to the cars belonging to the complainant party by setting the same on fire. One Hardeep Singh was kept as a watchman on the plot and said Hardeep Singh has filed an affidavit on 19.01.2021 i.e. three days after registration of FIR duly notarized before notary public, negating the role of the petitioner in commission of the aforesaid offence.

Learned counsel further submits that in view of status of the petitioner being a juvenile, Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and rules framed thereunder would make the petitioner entitled for bail including the anticipatory bail as the gravity of offence is no ground to decline the same because 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 morally, physically and psychologically, when he will be associated with known criminals. Bail can be rejected only on these aforesaid parameters i.e. when reasonable ground exists for believing that the release of juvenile in conflict with law

would bring him in association with known criminals and the release would expose him morally, physically and psychologically and would defeat the ends of justice. As per Section 3(1) of the Act, principle of presumption of innocence would apply in case of juvenile till the complicity is proved by way of incriminating evidence.

Learned State counsel, however, opposed the bail on the ground that petitioner is involved in the occurrence of setting the vehicles on fire. He could not dispute the factum of order dated 26.02.2021 passed by Additional Sessions Judge, Jalandhar declaring the petitioner to be a juvenile.

In view of aforesaid position it would be just and appropriate to directed the petitioner to appear before the SHO/Investigating Officer to join investigation on 15.04.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any

person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his/her passport, if any.

Petition stands disposed of.

08.04. 2021
amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No