

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

CRR-573-2021 (O&M)

Date of Decision: 17.06.2021

Ramesh Kumar alias Rakesh Kumar alias Ghulla

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.K.Choudhary, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

CRM-14959 OF 2021

Allowed, as prayed for.

MAIN CASE (O&M)

This revision petition is directed against the order dated 03.05.2021 passed by Additional Sessions Judge, Pathankot, whereby the order dated 20.04.2021 passed by Principal Magistrate, Juvenile Justice Board, Pathankot, rejecting the bail plea of the petitioner/child in conflict with law, was upheld.

2. Per FIR, 16 years old minor daughter of one Bunty Ram, a labourer by profession, was found missing in the morning of 02.04.2021 at 6.00 am. Complainant's daughter, despite earnest effort to trace her, could not be located. Complainant/father suspected the involvement of accused (present petitioner) in enticing his minor daughter. FIR was registered on his complaint.

In course of investigation petitioner, a juvenile himself, was arrested.

3. Learned counsel for petitioner argues that both the Juvenile Board as well as Appellate Court have committed grave error in not realizing that the petitioner is child-in-conflict with law and deserved bail. The petitioner is confined in Observation Home since 02.04.2021. The trial is not likely to commence or conclude any time soon owing to the current pandemic conditions. He also relies on Social Investigation Report and contends that petitioner belongs to a poor family. He was falsely implicated in the case by the parents of the prosecutrix despite the fact that she had gone out with him voluntarily. If at all, the alleged relationship was consensual, he contends.

4. Per contra, learned State counsel opposes the bail plea and argues that charges are serious.

5. I have heard the rival contentions of the respective learned counsels.

6. There is no prima facie evidence on record to suggest that release of petitioner/child-in-conflict with law is likely to bring him into association with any known criminal or expose him to moral, physical or sociological danger or his release would defeat the ends of justice.

7. Both the petitioner as well as the prosecutrix, being on cross roads of their career, future prospects of the petitioner would be seriously jeopardised in case of his further incarceration. The trial is not likely to commence or conclude soon in view of the situation arisen due to pandemic. Therefore, no useful purpose would be served by keeping the petitioner in further preventive custody.

8. Considering the overall scenario, without advertent on the merits of the case, given that the petitioner is a juvenile, the instant petition is allowed. The orders passed by the courts below are set-aside. The petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Juvenile Justice Board/Duty Magistrate, as the case may be.

(ARUN MONGA)
JUDGE

17.06.2021
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No