

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

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**CRR-651-2021 (O&M)
Decided on : 26.07.2021**

Pankaj alias Lucky

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.K. Saini, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Satpal.

MANJARI NEHRU KAUL, J. (Oral)

Instant revision petition has been directed against the order dated 06th May, 2021, passed by the learned Additional Sessions Judge, Panipat, wherein, he affirmed the order dated 09.03.2021 of learned Principal Magistrate, Juvenile Justice Board, Panipat, vide which, the petitioner was declined the concession of bail.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR in question, much less, attributed any role in the FIR. Still further, submits that even in the statement of the victim recorded under Section 164 Cr.P.C., neither was he named nor attributed any role in the crime in question. He further submits that the name and role of the petitioner in the crime in question came up for the first time after two months of the alleged occurrence and that too in the supplementary statement recorded under Section 161 Cr.P.C. of the complainant i.e. mother

of the prosecutrix, wherein, she stated that the petitioner had prepared a videography while the co-accused Deepanshu violated the modesty and person of the victim and then forwarded it to co-accused Anuj.

Learned counsel further submits that the petitioner has been in custody since 17th January, 2021 and prosecution evidence has not yet commenced. Hence, he be extended the concession of bail, more so, since his case does not fall within any of the exceptions carved out in the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Learned State counsel on the other hand, on instructions from SI Satpal, has conceded that the name and role of the petitioner in the crime in question came to light after two months of alleged occurrence in the supplementary statement of the mother of the victim recorded under Section 161 Cr.P.C. Learned State counsel while inviting the attention of this Court to the report of the Legal and Probationary Officer, Panipat, has submitted that in case the petitioner is released on bail, he may again come under the influence of anti-social elements residing in his locality and fall in bad company.

I have heard learned counsel for the parties and gone through the material on record as well as the report of the Legal and Probationary Officer, Panipat.

The impugned orders passed by the Courts below have been passed in a rather mechanical order, inasmuch as, the report of the Legal and Probationary Officer, Panipat, only says that the juvenile petitioner is likely to come under the influence of anti-social elements without giving an objective assessment of the likelihood of the petitioner coming into contact

or under the influence of any known criminal.

In the facts and circumstances of this case, the instant revision petition is allowed and the order dated 06th May, 2021, passed by the learned Additional Sessions Judge, Panipat, vide which the bail application filed by the petitioner against the order dated 09th March, 2021, passed by the learned Principal Magistrate, Juvenile Justice Board, Panipat, are hereby set aside. The petitioner is directed to be released on bail subject to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Panipat. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned State counsel that stringent conditions be imposed upon the petitioner, so that he does not come under the influence of anti-social elements and criminals. Taking into consideration the vulnerable age of the revisionist, this Court is in consonance with the learned State counsel's prayer and deems it fit to enlarge him on bail subject to the satisfaction of Principal Magistrate, Juvenile Justice Board, Panipat along with the following conditions.

- i) The father and mother of the petitioner shall ensure that he does not come in association with a person of criminal antecedents and is not exposed to any physical, moral and psychological danger.
- ii) The father and mother of petitioner shall ensure that he is provided formal/informal education to enable him to get gainful employment in future.
- iii) The father and mother of the petitioner shall file an affidavit to this effect before the Principal Magistrate,

Juvenile Justice Board, Panipat.

- iv) They shall take good care of the petitioner and adhere to the above mentioned conditions, failing which, the concession of bail granted to petitioner, would be liable to be cancelled.

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*