

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRR No. 1285 of 2020 (O&M)
Date of Decision: 29.6.2021**

Chahatpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. SPS Aulakh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

1. The present revision petition has been filed under Section 401 of the Code of Criminal Procedure to challenge the impugned order dated 11.8.2020 passed by the Juvenile Justice Board, Kapurthala, whereby, the bail to the present petitioner has been declined and the same has been affirmed by Additional Sessions Judge, Kapurthala, vide judgment dated 6.11.2020. The petitioner, being juvenile, has prayed for setting aside the impugned orders passed by both the Courts below.

2. Learned counsel for the petitioner would rely upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (here-in-after referred to as '**J.J. Act**'), which provide that bail ought to be allowed to a person who is allegedly a child in conflict with law. It is contended that

both the impugned orders are not sustainable in the eyes of law. He also relies upon the order passed by this Court in **Vishvas Versus State of Punjab Law, Criminal Revision No. 53 of 2021 decided on 8.2.2021** to contend that the provisions of Section 12 of the J.J. Act have not been complied with. At this stage, learned counsel also stresses upon the fact that during the pendency of the revision petition in this Court, the prosecutrix and other material witnesses, namely her mother and the complainant have already been examined by the Juvenile Justice Board and they have not supported the prosecution case and they have been declared hostile.

3. Learned counsel for the State is not in a position to dispute the fact that the material witnesses have been examined and they have not supported the prosecution version.

4. I have heard learned counsel for the parties and without going into the legality of the orders passed by the Juvenile Justice Board and the first Appellate Court in declining the regular bail to the petitioner who is a juvenile deem it appropriate to allow regular bail to him, particularly keeping in view the fact that the material witnesses already stood examined and they have not supported the prosecution version.

5. Consequently, the present revision petition is allowed and the impugned orders i.e. order dated 11.8.2020 passed by the Juvenile Justice Board, Kapurthala, and order dated 6.11.2020 passed by the Additional Sessions Judge, Kapurthala, are hereby set aside. The petitioner is directed to be released on bail subject to his furnishing adequate bail bond/surety bonds amounting to Rs.50,000/- through his natural guardian or near

relative to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Kapurthala.

29.6.2021
prem

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>