

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

**CRM-M-8318-2022
Date of decision : 25.02.2022**

Sajan KumarPetitioner

versus

State of Punjab Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kamal Narula, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.16 dated 19.01.2021, registered under Sections 363, 366-A of the IPC (Sections 376 IPC and Section 6 of POCSO Act, 2012 added later on), at Police Station Jalalabad, District Fazilka.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab accepts notice on behalf of the respondent-State.

Petitioner before this Court is admittedly a juvenile. On the earlier occasion, he was granted regular bail. However, unfortunately, on 18.11.2021, he could not appear before the Court and hence, bail granted to him was cancelled and non-bailable warrants were issued. Thereafter, the juvenile-petitioner approached the learned Judge, Special Court, Fazilka for grant of anticipatory bail which was disposed of vide order

dated 03.01.2022 with a specific direction that the petitioner would

surrender before the learned Principal Magistrate, Juvenile Justice Board, Fazilka within seven days and he would be admitted to bail to its satisfaction. However, learned counsel for the petitioner has submitted that petitioner suffered from symptoms of COVID-19 and due to which, he could not appear within the prescribed period of seven days. Thereafter, he again approached the learned Additional Sessions Judge, Fast Track Special Court, Fazilka for grant of anticipatory bail, however, the same was declined vide order dated 8th February, 2022 as it was not supported by medical evidence. The petitioner is being tried as a juvenile as he was less than 18 years of age at the time of incident. In the facts and circumstances of the case, I find it appropriate that he be given another opportunity to surrender before the Court of competent jurisdiction. In case the petitioner surrenders before the Court of competent jurisdiction i.e. Principal Magistrate, Juvenile Justice Board, Fazilka within a week from today, then he will be admitted to bail by the Court to its satisfaction.

In view of the above, petition stands disposed of.

25.02.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No