

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

CRM-M-45867-2021 (O&M)

Date of Decision:- 14.2.2022

Yuvraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Harbir Sandhu, AAG Punjab,
assisted by ASI Sanjiv Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner, who is stated to be juvenile, has approached this Court assailing order dated 31.8.2021 (Annexure P-9) and for grant of bail to the petitioner in a case registered vide FIR No. 52 dated 13.4.2021 under Sections 302, 201 IPC at Police Station Haryana, District Hoshiarpur.
2. The FIR was lodged pursuant to receipt of a message from Sarpanch of Village Bassi Kale Khan to the effect that four unidentified persons had entered into the house of Joginder Kaur and after murdering her had set her body on fire in the house itself. Upon receipt of said message, police went to the spot. Harjeet Singh (son of deceased) alongwith his wife Jaspal Kaur and son Yuvraj Singh (petitioner) were found at the spot. The charred remains of dead body of Joginder Kaur were found lying on the bed and the said body was bearing a deep wound on the forehead. Though, the aforesaid

information was lodged at the police station on 12.4.2021, it was on the next day i.e. on 13.4.2021 that Harjeet Singh son of deceased got his statement recorded to the effect that his mother Joginder Kaur was bed ridden on account of a bone injury and that on 12.4.2021 when he alongwith his wife had gone to market, then at about 3:38 p.m., he received a message from his son i.e. the petitioner that some unidentified persons had attacked their house and asked them to return back immediately. Upon their return, they found that the petitioner was lying inside the box-bed with his arms and legs tied with “chunni” and all articles were lying scattered. The petitioner informed his father i.e. the complainant Harjeet Singh that four unidentified persons had entered into their house and had tied his legs and arms and had set his grandmother’s bed on fire and had threatened that complainant should withdraw all the cases filed against them.

3. The matter was investigated by the police and during the course of which statement of petitioner’s *bua* (father’s sister) was recorded and the petitioner was thoroughly examined pursuant to which he confessed his guilt and disclosed that it was on account of his grandmother’s behaviour that he had caused injuries to her and had set her on fire.
4. The learned counsel for the petitioner has submitted that the petitioner, who is a juvenile, has falsely been implicated whereas he would not have any interest adverse to his grandmother. It has been submitted that the lower appellate Court in its order dated 13.8.2021 has incorrectly observed that the petitioner’s father Harjeet Singh had not come forward for taking custody of the petitioner whereas both the parents of the petitioner are very much with him and duly support him and wish to take care of him in every respect. The

learned counsel in this regard has referred to the affidavit dated 20.9.2021 of Harjeet Singh (Annexure P-11) and another affidavit dated 20.9.2021 of Jaspal Kaur (Annexure P-12) wherein both of them who are parents of the petitioner have specifically deposed therein that they undertake to completely protect the petitioner from being exposed to any moral, physical or psychological danger, in case he is granted bail and that they would be extra-cautious regarding his upbringing. They have further deposed therein that while their daughter has been sent to Canada a few months back, they have similar plans for their son as well. The learned counsel has submitted that in these circumstances, further detention of the petitioner will not serve any beneficial purpose to the petitioner and has, thus, prayed for his release on bail.

5. Opposing the petition, the learned State counsel has submitted that keeping in view the heinous nature of crime and the manner in which the same has been committed, it will not be safe to release the petitioner on bail, as apparently he has some psychological problems which could endanger life of his parents as well.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is a juvenile. The allegations against the petitioner, certainly are very serious. However, in view of his tender age, his detention may not serve useful purpose for his growth, development and betterment. In the instant case, both the parents have expressed their willingness to look after and take care of the petitioner in every respect and to ensure that he is not exposed to any moral, physical and psychological danger. The petitioner otherwise has been behind bars since the last more

than 10 months. Keeping in view the undertakings furnished by both the parents of the petitioner and also the juvenility of the petitioner, the petition is accepted and the impugned orders are hereby set aside. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. The parents of the petitioner namely Harjeet Singh and Jaspal Kaur shall remain bound by their affidavits Annexure P-11 and Annexure P-12 and shall take all necessary steps to ensure that the petitioner is kept in good and healthy environment and away from influence of any person with the criminal bent of mind. It shall also be ensured that TV serials/movies watched by the petitioner are suitable for children/juvenile and are such which do not depict any kind of violence.
9. The petition stands accepted accordingly.

14.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No