

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213/A)

CRR-1311-2020

Date of Decision: 04.05.2022

Shaminder Lal @ Rahul

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. J.S. Brar, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present revision petition has been impugning the order dated 23.10.2020 passed by learned Addl. Sessions Judge, Faridkot whereby the appeal filed by the petitioner under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2000 has been dismissed affirming the order dated 18.9.2020 passed by the learned Principal Magistrate, Juvenile Justice Board, Faridkot whereby petitioner was declined the concession of bail under Section 12 of the Act.

As per facts of the case, present FIR was lodged by the father of the victim wherein the allegations were made that on 26.7.2022 in the night at about 1/1:30 AM his daughter i.e. the victim was enticed away by the petitioner on the pretext of marriage. In the morning at about 11 AM he got a call that his daughter was sitting in Gurudwara. He went there and the victim was recovered. On asking from the victim complicity of the petitioner was found that he enticed her away. FIR was lodged to take legal action against the culprit.

The statement of the victim was recorded by the police on 30.7.2020 and thereafter petitioner was arrested on 19.8.2020.

The petitioner being less than 18 years of age was produced before the Juvenile Justice Board. Thereafter, his prayer for bail was rejected by the Principal Magistrate, Juvenile Justice Board vide order dated 18.9.2020. The appeal preferred by the petitioner was also rejected by the learned Addl. Sessions Judge, Faridkot vide order dated 23.10.2020. Aggrieved by the same petitioner has approached this Court by way of filing the present revision petition.

Learned counsel for the petitioner has contended that the petitioner is a juvenile and the only ground of rejecting his bail was that he was likely to be associated with other criminals. Counsel submits that thereafter petitioner was granted interim bail by this Court vide order dated 26.2.2021 and he is on interim bail till date and has not misused the concession of interim bail and the same deserves to be confirmed by this Court.

On the other hand, learned State counsel has submitted that though the petitioner is admittedly a juvenile, however, his complicity in the offence is clearly made out and there are specific allegations by the complainant against him. However, State counsel submits that there is nothing adverse against the petitioner since the date of his release on interim bail. It is submitted that challan already stands presented and charges are yet to be framed.

I have heard learned counsel for the parties at length and have gone through the record carefully.

The petitioner is admittedly a juvenile being 17 years of age, whereas victim is 15 years of age. Petitioner was released on interim bail vide order dated 26.2.2021. There is nothing on record to show that

petitioner has ever misused the concession of interim bail. Challan in the case already stands presented and the case is fixed for framing of charges. The veracity of the allegations levelled in the FIR would be assessed only after conclusion of the trial. However, without commenting anything on the merits of the case the interim bail granted to the petitioner vide order dated 26.2.2021 is made absolute.

In the totality of facts and circumstances and without making any observation on merits, present petition is disposed of. Petitioner is directed to furnish fresh bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

04.05.2022

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