

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

**CRR No.1461 of 2023 (O&M)
RESERVED ON : 16.08.2023
DATE OF DECISION : 21.08.2023**

Randeep Singh @ Deepu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gagandeep Singh Bajwa, Advocate for the petitioner

Mr. Harjinder Singh Sidhu, AAG Punjab

ALKA SARIN, J. :

1. The present revision petition has been preferred against the order dated 21.04.2022 passed by the Principal Magistrate, Juvenile Justice Board, Amritsar and order dated 06.06.2022 passed by the Appellate Court.

2. Learned counsel for the petitioner would contend that the petitioner, who is a child in conflict with law, had applied for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short the “Juvenile Justice Act”). The Board vide the impugned order dated 21.04.2022 had rejected the bail on the ground that as per the Social Background Report, the parents of the juvenile do not know that he has committed the offence in question and that in case the juvenile is released he may go astray and further held that the case of the juvenile was

covered under the second and third exception to the general rule of granting bail to the juveniles. Aggrieved by the same, an appeal was preferred which has been rejected on the ground that there are serious allegations against the petitioner and if he is released on bail it will expose him to moral, physical or psychological danger and his release would defeat the ends of justice.

3. Learned counsel for the petitioner would contend that the proviso to Section 12(1) of the Juvenile Justice Act is an exception incorporating the circumstances under which the benefit of Section 12(1) should not be granted to a juvenile. It is further the contention that the Juvenile Justice Board has to apply its mind to the question whether the petitioner can be granted bail on the basis of the inquiry report. The learned counsel has further referred to the Social Background Report of the juvenile which has been appended with the status-report filed by the State by way of affidavit of Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Jandiala, Amritsar (Rural). The learned counsel would contend that the said report is a stereo-typed report and infact though it has been held that the parents of the juvenile do not know of the alleged crime having been committed by their son, however, the report is totally silent qua the same.

4. Heard.

5. In the present case the Board as well as the Appellate Court have rejected the bail application of the juvenile based on the Social Background Report dated 21.03.2023. A perusal of the said report reveals that the juvenile is living at home. There are no details of any criminals that the juvenile is stated to be in the company of. The reason for the alleged offence has been mentioned due to bad company. However, the report is totally bereft of any details. The Supreme Court in the case of **XXX vs. The**

State of Rajasthan & Anr. [Criminal Appeal No.1569 of 2023 (Arising out of SLP (Crl.) No.2981 of 2023) decided on 17.05.2023] has held that the Juvenile Justice Board is expected to adopt a sensitive approach in such like matters and that it is necessary for the Juvenile Justice Board to apply its mind to the question whether the juvenile should have been granted bail and a deeper inquiry would be contemplated before passing the order denying the bail. In the present case, the bail has been denied based on the Social Background Report which is totally bereft of any details and is infact a stereo-typed report.

6. In view thereof, this Court deems it fit to direct the Juvenile Justice Board that a fresh Social Background Report be called for. The Juvenile Justice Board shall fix an outer limit for submission of the fresh Social Background Report. The exercise be completed by the end of September 2023.

7. The present revision is disposed off in the above terms. Pending applications, if any, also stand disposed off. It is made clear that till the time the Juvenile Justice Board passes a fresh order based on the fresh Social Background Report, the juvenile shall remain in the observation home where he is presently kept. It would be appropriate that the name of the juvenile be masked in the present case.

21.08.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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