

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

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**CRR No. 2305 of 2022
Date of Decision : 26.5.2023**

*Jaideep Singh @ Jai**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Prateek Sodhi, Advocate, for the petitioner

Mr. Subhash Godara, Addl. AG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This criminal revision petition is for quashing the order dated 17.3.2022, passed by the Principal Magistrate, Juvenile Justice Board, Tarn Taran, and the order dated 18.7.2022, passed by the Additional Sessions Judge, Tarn Taran, whereby the bail application filed by the petitioner/juvenile in conflict with law under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act'), has been dismissed.

2. Briefly, as per allegations in the FIR, the petitioner/juvenile in conflict with law allegedly raped the victim on 7/8.1.2022. Her date of birth as per the FIR is 10.6.2003, i.e., aged about eighteen years and seven months on the date of alleged incident. The victim has alleged while she was alone at home, the petitioner came to her room by scaling the outer wall and raped her.

3. Learned counsel for the petitioner/juvenile in conflict with law

ASHWANI KUMAR contends that the FIR has been lodged after delay of about one month
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I attest to the accuracy and
integrity of this document

from the date of alleged occurrence. Besides, during investigation the police collected evidence and found that the victim was having pregnancy of ten weeks at the time of medical examination on 16.2.2022. Therefore, the allegation is false on the face of it.

4. Learned State counsel, on instructions from ASI Gurmeet Singh, submits that the victim was minor on the date of the alleged occurrence. In the statement recorded under Section 164 Cr.P.C, she has given her date of birth as 10.6.2005, and not 10.6.2003. He further submits that DNA profile of the juvenile has matched with that of the victim.

5. Arguments addressed by learned counsel for the parties have been considered.

6. Admittedly, the petitioner is a juvenile in conflict with law. As per Section 12 of the Act, a juvenile is entitled to bail irrespective of the nature or gravity of the offence alleged to have been committed by him. Bail can only be declined if there is reasonable ground for believing that his release will bring him in association with any known criminal or expose him to moral, physical and psychological danger, or his release would defeat the ends of justice. It has been so held by this Court in CRM-M No. 37946 of 2022 titled *Aakash v. State of Haryana* decided on 24.1.2023.

7. There is no apprehension expressed, nor is any material on record which could establish that on release from custody the petitioner/juvenile in conflict with law would come in association of any known criminal or be exposed to any moral, physical or psychological danger or it would defeat the ends of justice. Therefore, his case does not

fall in any of the exceptions carved out under Section 12 of the Act for declining bail, and he becomes entitled to it.

8. In view of the aforesaid, without going into the merits of the case, the present revision petition is allowed. The order dated 17.3.2022 passed by the Principal Magistrate, Juvenile Justice Board, as also the order dated 18.7.2022 passed by the Additional Sessions Judge, Tarn Taran, are set aside, and the petitioner/juvenile in conflict with law is ordered to be released on bail subject to satisfaction of the Principal Magistrate, Juvenile Justice Board/Duty Magistrate, Tarn Taran.

(TRIBHUVAN DAHIYA)
JUDGE

26.5.2023

Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No