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

**CRR No.390 of 2023 (O&M)
Date of decision : 24.01.2024**

Sandeep Singh @ Seepu Singh (Juvenile)

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gourav Goel, Advocate for the petitioner.

Mr. Kunal Vinayak, Asstt. Advocate General, Punjab.

Ms. Arshdeep Kaur, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

This is revision preferred against the order passed by Additional Sessions Judge, Bathinda dismissing the appeal preferred by the petitioner affirming the order passed by Juvenile Justice, Board, Bathinda whereby the bail has been declined to the present petitioner holding that the petitioner is likely to come in contact with the bad elements if released on bail.

2. Present FIR was registered on the statement made by deceased Harwinder Singh @ Coach son of Dev Singh alleging as under :

“xxx Stated that I am resident of above address and alongwith

doing farming, I am also a Kabaddi player. A few days ago, Gagna Singh and Babbu Singh sons of Gela Singh residents of Chauke had picked up a cock from the house of my Chacha Makhan Singh son of Kartar Singh. Due to which my chacha Makhan Singh complained to Gela Singh. Due to that, Babbu Singh and Gagna Singh were keeping a grudge. I used to help my chacha Makhan Singh and due to that, I had an argument with Gagna Singh And Babbu Singh on 26/05/2021 and they had threatened me that they will see me. That at about 6/7 Pm in eveing, I alongwith my friend Satpal Singh s/o Binder Singh, Jaswinder Singh@ Jassa S/o Bant Singh, Hardeep Singh@ Deepi S/o Teja Singh, Satnam Singh@ Kala S/o Naib Singh resident of Chauke were chatting while sitting at the motor of my friend Buta Singh S/o Balwinder Singh R/o Chauke situated on Pikho Road Gurjit Singh s/o Binder Singh armed with gandasa, Babbu Singh S/o Gela Singh armed with dang, Gagna Singh S/o Gela Singh armed with Kirpan, Sippu Singh s/o Binder Singh armed with Baseball and Keepa Singh S/o Darshan Singh armed with Pistol all residents of Chauke reached in the field and started raising lalkaras. Buta Singh and Satnam Singh ran away from the spot due to fear. And the above mentioned persons started beating us as soon as they reached there. Keepa Singh pointed his pistol towards me, Gurjit Singh gave gandasa blow on my right leg below the knee and I fell down. While I was lying down, Sippu Singh gave baseball blow on my left calf, Babbu Singh gave dang blow on my left hand, then Gurjit Singh gave blow on left shoulder with the reverse side of gandasa. When Jaswinder Singh, Hardeep Singh and Satpal Singh came forward to save me, Gurjit Singh gave kirpan blow on left hand and reverse gandasa blow on right leg of Satpal Singh, Sippu Singh gave baseball blow left knee and then Gurjit Singh gave gandasa blow on the left ankle of Satpal Singh. Thereafter, the above stated persons gave injuries to Hardeep Singh with their respective weapons on his left arm, right knee, back side of head, left arm and right hand. Gurdeep Singh gave gandasa blow on left arm of Jaswinder Singh @ Jassa, Babbu Singh gave dang

blow on head and Sippu Singh gave baseball blow on the back side of head and Babbu Singh gave dang blow. Thereafter, Buta Singh and Satnam Singh raised hue and cry while standing at distance and we also raised hue and cry. 15-20 unknown persons were also behind them who had raised lalkaras. When we raised hue and cry, all the above persons fled away from the spot with their respective weapons and while fleeing away they had damaged my motor cycle mark CT 100 without number, Satpal Singh's motor cycle CT 100, Jaswinder Singh's Splendor motor cycle colour silver and field owner Buta Singh's motor cycle CD Down no. 9751 by hitting these with dangs. Thereafter, our relatives had got us all admitted at Rampura Civil Hospital after arranging the vehicle where we are undergoing treatment. The cause of grudge is that I had an argument during day time with Babbu, Gagna sons of Gela Singh r/o Chauke regarding the cock and due to this the above stated persons inflicted injuries to us. Legal action be taken against them. I have got recorded my statement, heard the same and found it to be correct. Sd/- Harwinder Singh.xx”

3. The petitioner is stated to be child in conflict who actively participated in the incident. Photographs have been produced by the counsel for the complainant which were uploaded on the facebook. The same have been taken on record as mark 'X'. Registry to tag the same at appropriate place.

4. Social investigation report was received in the prescribed form. As per the same the petitioner who is in adolescent age has indulged in the activities on account of peer pressure and as per the recommendation of the welfare officer there is apprehension that he may get involved further in such activities and thus needs proper care

and counseling. The Courts below have thus relied upon the social background report submitted by the Child Welfare Police Officer.

5. Section 12 of the 2002 Act deals with bail to the person in conflict with law. The same has been interpreted by this Court in **CRR No.2048 of 2023** titled as '**Akashdeep vs. State of Punjab**' as under :

“7 The provision is a non-obstante clause. Section 12(1) of the 2015 Act mandates that a juvenile shall be released on bail and is mandatory in nature however the same is arrested by the proviso attached. The proviso attached with the provision contemplates that a juvenile shall not be so released if there appear reasonable grounds for believing that :-

- a) *The release of the child in conflict on bail is likely to bring him into association with any known criminal; or*
- b) *Expose him to moral, physical or psychological danger; or*
- c) *Such release would defeat the ends of the justice.*

8 A belief can be said to be founded on reasonable grounds only if there is something tangible on the basis of which such belief can be formed. The expression reasonable grounds has been dealt by Supreme Court in **Chenna Boyanna Krishna Yadav Vs. State of Maharashtra (2007) 1 SCC 242** to connote as under :-

“13. xxxxxxxx The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provisions requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged

offence. xxx”

9 The same was also interpreted by Supreme Court in ***Prahlad Singh Bhati Vs. NCT, Delhi and another (2001) 4 SCC 280*** observing as under :-

“ xxx xxx xxx
It has also to be kept in mind that for the purposes of granting the bail the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not excepted , at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

xxx xxx xxx”

6. Thus the question is: *'whether there is some cogent material before the Courts to support the belief that the release of the child in conflict on bail is likely to bring him into association with any known criminal or to expose him to moral, physical or psychological danger?'*

7. The Courts below have relied upon the recommendation of the Welfare Officer. Apart from that the video prepared by the petitioner himself to flaunt his misdeed in which he finds exhibition of valour go on to show that in the event of release of the present petitioner on bail the danger of exposing him to the association of the criminals and pervert psychology looms large.

8. In view of above, it is interest of justice of the child that he

be kept in the Observation Home under the watchful eyes of the authorities. Resultantly, the present revision petition is dismissed.

January 24, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No