

CRR-524-2024 (O & M)

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(236) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-524-2024 (O & M)
Date of Decision: 09.04.2024

Mxxxxx

... Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Tejinderbir Singh, Advocate, for the petitioner.

Mr. Monish Bansal, PP, for U.T., Chandigarh
with Mr. Saksham Parmar, Advocate.

JASJIT SINGH BEDI, J.

The present revision petition has been preferred against the judgment dated 27.02.2024 passed by the Additional Sessions Judge, Chandigarh whereby the judgment dated 12.02.2024 passed by the Principal Magistrate, Juvenile Justice Board, Chandigarh, declining bail to the petitioner has been affirmed.

2. The present FIR came to be registered on the basis of the complaint made by the complainant Baldev Singh and reads as under:-

*“To the SHO, PS-Cyber Crime, Sector 17, Chandigarh.
Subject: Fake Instagram account and Morphed his daughter's picture. Sir, My name is Baldev Singh r/o 1648, Aman Colony, Dhanas Chd. I stay with my family. My daughter Kashish aged 13 years studies in class 8th in Govt Model Senior Secondary School, Sector 23-A, Chandigarh. On 30th December 2023, someone from fake*

Instagram ID ravan._25_wala had sent a group photograph of my daughter and her friends on her Instagram account ID_that_Kashu, after morphing it (Nude) and also threatened her to make it viral on Instagram. On fake Instagram ID ravan._25_wala, the photo of Laksh s/o Ramesh Kumar was pasted. Please take action against the same”.

3. During the course of investigation, the mobile phone in question was traced from which the photographs was allegedly sent and the petitioner/child-in-conflict with law was apprehended on 03.02.2024.

4. The learned counsel for the petitioner submits that as the petitioner was of the age of 13 years it was not expected that he was able to create a fake ID, morph the photographs and send it to a girl and threaten to make it viral. The family members of the petitioner were law abiding people without any criminal antecedents. The bail had been wrongly declined to the petitioner on the premise that if released on bail he would be exposed to moral and psychological danger. Given his tender age, home environment was more suited and desirable for the growth of the petitioner/child-in-conflict with law. If he was not granted the concession of bail, his education would suffer irreparably. He, therefore, contends that the petitioner was entitled to the concession of bail as there was every possibility of him being reformed after counselling in due course of time.

5. The learned counsel for the State, on the other hand, has filed a reply dated 06.04.2024 which is taken on record. While referring to the said reply, he contends that the petitioner had morphed (naked) a group photo of

some girls and had sent the same to one of them. The investigation had clearly established the culpability of the petitioner inasmuch as the mobile phone used stood in the name of Puran Singh, father of the petitioner. He, therefore, contends that the petitioner was not entitled to the concession of bail.

6. I have heard the learned counsel for the parties.
7. Admittedly, the petitioner is of the age of 13 years. Instead of penalizing the petitioner, he is required to be reformed in order to make him understand societal norms and the laws of the land which he is required to follow. At this tender age, home environment would be the best place for him to understand the same. There is nothing on record to suggest that the petitioner and his family members are habitual offenders of any kind or that if released on bail, he was likely to come into contact with known criminals or would be exposed to moral, physical or psychological danger. Even otherwise, he is stated to be in custody since 03.02.2024. Therefore, his further incarceration is not required.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mxxxx is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

April 09, 2024
sukhpreet

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