

**132+234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-33287-2024 IN/&
CRR-667-2024 (O&M)
DATE OF DECISION : 22.08.2024**

V/S

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

HARPREET KAUR JEEWAN, J. (ORAL)

1. This is an application for placing on record the copy of the statements of the material witnesses as Annexures P-4 to P-8 respectively.

2. The same are allowed to be taken on record, subject to all just exceptions.

3. Registry is directed to tag the same at the appropriate place.

4. Disposed of.

5. The petitioner is aggrieved by the order dated 20.12.2023 passed by the learned Addl. Sessions Judge (Fast Track Court), Amritsar and the order dated 29.09.2023 passed by the learned Principal Magistrate, Juvenile Justice Board, Amritsar whereby the petitioner has been declined

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the grant of bail.

6. Learned counsel for the petitioner contends that the victim is of tender age but in her part of the statement recorded on 22.07.2024, she has stated that petitioner-Harmanpreet Singh did not have any sexual intercourse with her. The petitioner had never taken her to his house. The veracity of the statement of the victim is a matter of trial. The victim was declared hostile on 22.07.2024 and was cross-examined at length. As per the report of medical examination (Annexure P-2), there are no observations of any external injury upon the person of the victim. PW-6 Dr. Amanpreet Kaur (Annexure P-8) has testified that as per the chemical examiner report, Ex.PX on the judicial file and as per the forensic DNA test report, there was no detection of human semen and male DNA from the vaginal sample of the victim. She has also stated that there was no injury on the internal parts of the body and there was also no injury on labia minora and labia majora. She has also stated that there was no sign of any tenderness, inflammation, redness, contusion, abrasion, swelling on vagina. She had admitted the suggestion if any minor would have been subjected to sexual intercourse, she would have suffered such tenderness and injury.

7. I have considered the aforesaid contentions.

8. The petitioner is also below 18 years of age. He is in Observation Home since 27.07.2023 as per the State reply. At present, out of 19, only 8 witnesses have been examined. Though the learned Addl. Sessions Judge in order dated 20.12.2023 has taken note of the social investigation report and social background of the juvenile while dismissing the bail application and observed that the petitioner has studied upto 5th standard and left school to earn his livelihood on account of failing in

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studies. His parents have been stated to be completely oblivious of his activities who are mostly away and counselling has been recommended for his betterment. However, keeping in view the age of the victim and the fact that trial is going to take time to conclude, further keeping the petitioner in Observation Home would not serve any purpose. As such, the present criminal revision petition is allowed and order dated 20.12.2023 passed by the learned Addl. Sessions Judge (Fast Track Court), Amritsar and order dated 29.09.2023 passed by the learned Principal Magistrate, Juvenile Justice Board, Amritsar are set aside. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and subject to the condition that he would appear for counselling sessions as will be scheduled and fixed by the trial Court.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Pending miscellaneous application(s), if any, shall stand disposed of.

22.08.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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