

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1145 of 2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Deepu @ Arshdeep...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arshdeep Brar, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
88	05.08.2023	Phul, District Bathinda	377, 34 IPC and 6 of Protection of Children from Sexual Offences Act

1. The petitioner who is juvenile incarcerated in the FIR captioned above had come up before this Court under Section 401 CrPC, 1973, seeking regular bail.
2. In the revision petition, the petitioner is silent about criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“The brief facts of the said statement are that the complainant found is minor son/victim aged about 14 years to be reclusive for the last 20-25 days. Upon enquiring, the victim did not disclose anything to the complainant. On 05.08.2023, the complainant and other family members again asked his son i.e. the victim about his condition, on which, the victim disclosed at about 20-25 days ago, the accused petitioner along with co-accused Akashdeep, Nishant Khan and Sukhraj Singh called the victim on the house of Balvir Singh on a pretext and thereby, all the accused disrobed the victim and sodomised him. Thereafter, the accused inserted wooden curd percolator inside the victim's anus. The victim was so much terrified that he could not disclose about the occurrence to anyone. The accused further prepared a video of the occurrence and then disseminate on the social media.”



4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. Per the custody certificate dated 08-08-2024, the petitioner's total custody in this FIR is over one year. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing surety bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a surety bond, the surety shall mention the following personal identification details of the surety:

1.	AADHAR number	
2.	Mobile number (If available)	
3.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.



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13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.