



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR 1305 of 2024 (O&M)
Date of Decision: 02.08.2024

Maninder Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Jashandeep Kaur, Advocate for
Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred against the impugned judgment dated 03.06.2024 passed by the Additional Sessions Judge, Amritsar and the order dated 08.04.2024 passed by the Principal Magistrate, Juvenile Justice Board, Amritsar, whereby, the bail application filed by the present petitioner was ordered to be dismissed.

2. Learned counsel for the petitioner contends that the FIR in the present case was got registered by Rajeev Kumar son of Nakul Sharma, who alleged that at about 1.00 a.m. on 26.02.2024, while returning home, his scooty was snatched by three unknown persons. One of the accused had hit him with an iron *Dattar* on his left ear and he fell down. On falling, he had been given a blow from the reverse

side of *Dattar* on his hand and another two accused had caused him injuries with a base ball bat. Learned counsel further submits that neither the petitioner was named in the FIR nor any other description of the accused was mentioned in the FIR by the complainant. However, after one month of registration of the FIR, the petitioner was wrongly arrayed as an accused in the present case without any legally admissible evidence. He further contends that even though, the occurrence had taken place near the Medical College, Amritsar in the heart of the city but there was no CCTV footage of alleged crime nor there was any other evidence to prove the presence of the petitioner at the place of occurrence. He further contends that even till the conclusion of the investigation, the police could not collect any evidence against the petitioner. Further, the petitioner is in custody for the last more than 04 months and after conclusion of the investigation, the challan has already been presented against him. Learned counsel referred to the social background report and social investigation report of the present petitioner, who is a juvenile, to contend that the petitioner was aged about 17 years and was unemployed. He had been neglected by his family and resultantly, he had fallen in bad company. His parents had been stated to be oblivious of his activities and counseling has been recommended for his betterment. Consequently, in case, the petitioner is allowed to stay in observation home for a longer period, he may join the company of anti-social elements.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner was carrying a base ball bat and all the three accused had caused injuries to the complainant and had snatched his electric scooty. Thus, the present petition deserves to be dismissed by this Court.

4. I have heard the rival submissions made by learned counsel for the parties and perused the case file carefully.

5. As per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the grant of bail to a juvenile is a general rule and its refusal is an exception. Bail of a juvenile can only be dismissed, when there appears to be reasonable grounds for believing that his release is likely to bring the juvenile into association with any known criminals or expose him to moral, physical or physiological danger or his release would defeat the ends of justice. In the present case, no such grounds for refusal of bail have been highlighted by the prosecution. Rather, there was ample evidence that the petitioner was neglected by his family and needs counseling. Thus, there is a reasonable possibility that the present petitioner may also join the mainstream of the society and his longer incarceration in the observation home may bring him into association of other juveniles with criminal background. Moreover, in the present case, the conclusion of the trial may take quite a long time and the petitioner is already in custody for the last more than 04 months.

Thus, no purpose will be served by keeping the petitioner behind the bars

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned Principal Magistrate Juvenile Justice Board/Duty Magistrate/CJM concerned.

02.08.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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