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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRR-1675-2024(O&M)  
Date of decision:-18.12.2024

GARRY ALIAS GEVI ALIAS GAVY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Arora, Advocate, for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 17.12.2024 of Deputy Superintendent of Police, Sub-division Jandiala, Amritsar, (Rural), the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for quashing of impugned judgment dated 06.06.2024 passed by learned Additional Sessions Judge, Amritsar and order dated 15.03.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar for grant of regular bail in the following case:-

| FIR No. | Dated      | Sections     | Police Station               |
|---------|------------|--------------|------------------------------|
| 283     | 24.10.2023 | 379B(2), IPC | Jandiala, District, Amritsar |

3. Arguments heard.



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner aged about 15 years, is innocent and has been falsely implicated in this case and is in custody since 24.10.2023. He contends that recovery of artificial earring allegedly snatched from the complainant has already been effected and no purpose would be served by detaining him in custody. After completion of investigation, challan has already been presented in Court and the petitioner is not involved in any other criminal case. Hence, he prays for quashing of impugned orders passed by learned trial Court and also for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel has opposed the bail petition by arguing that petitioner has been specifically named in the FIR and allegations of snatching of artificial earrings has been attributed to the petitioner, and as such he is not entitled for concession of bail. However, he has admitted that after completion of investigation, challan has already been presented in Court, possible recovery has been effected from the petitioner and no injury is attributed to him in the alleged occurrence and is even not involved in any other criminal case.

6. After considering the rival contentions and perusing the record, it transpires that the present case was registered against the petitioner on the allegations that by putting the complainants to the danger of life, by showing datar had removed her artificial earrings. Consequently, petitioner was arrested on 24.10.2023 and since then he is in custody. Alleged, possible recovery has been effected from him and he is not involved in any other criminal case. After completion of investigation, challan has already been



presented in Court. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the impugned judgment dated 06.06.2024 passed by learned Additional Sessions Judge, Amritsar and order dated 15.03.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar are hereby set aside. The present criminal revision petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Duty Magistrate/Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any, shall also stands disposed of.

(SANJIV BERRY)  
JUDGE

18.12.2024  
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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |