

2025:PHHC:029234



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

140

CRA-S No.723 of 2025
Date of decision: 28.02.2025

Vir Partap Singh, (Minor) ... Appellant

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vipin Kumar Sharma, Advocate,
for the appellant.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed by the appellant seeking pre arrest bail in case arising out of FIR No.0010 dated 09.01.2025 registered under Sections 127 (2) and 351 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”) at Police Station City Kapurthala, District Kapurthala.
2. The appellant along with the co-accused has been booked for

2025:PHHC:029234



commission of the aforementioned offences on the basis of statement recorded by the complainant (name withheld) who was a minor boy on the allegations that on 06.01.2025, the appellant and co-accused had taken him towards the forest area of Village Jhal on the pretext of buying a kite at cheaper rates for him and had committed act of carnal intercourse against the order of nature with him and thereafter they fled after leaving him in the forest area. The complainant was medically examined on 07.01.2025. The investigation is underway. The appellant filed an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Kapurthala.

3. It is argued by learned counsel for the appellant that the impugned order passed by learned Special Court is not sustainable in the eyes of law as while passing the same, the learned Court did not take into consideration the fact that the appellant is a juvenile. His custodial interrogation is not required. No recovery is to be effected from him. It is submitted that the appellant is ready to join the inquiry/investigation proceedings. His 10+1 class examination are to commence from 04.03.2025. No purpose would be served by detaining him. Accordingly, it is urged that the appeal deserves to be allowed.

4. Per contra, learned Senior Deputy Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the appellant, the appeal does not deserve to be allowed.

2025:PHHC:029234



5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The appellant along with the co-accused is alleged to have committed act of unnatural sexual assault upon the complainant. There is delay of 3 days in reporting the matter to the police. It is well settled by now that an application for grant of pre arrest bail to a juvenile is maintainable. The appellant was admittedly below the age of 18 years at the time of commission of the alleged offence. His custodial interrogation is not required. No recovery is to be effected from him. As such, I am of the considered opinion that it is a fit case for extending benefit of pre arrest bail to the appellant. Accordingly, the appeal is allowed. The impugned order dated 05.02.2025, whereby anticipatory bail was declined to the appellant, is set aside and the appellant is directed to be admitted to bail subject to his appearing before the Inquiry Officer/Investigating Officer of the case within a period of 20 days from today and further subject to furnishing of bonds by one of his natural guardians on his behalf as well as surety bonds to the satisfaction of the Inquiry Officer/Investigating Officer. The appellant shall also be joining proceedings before the Inquiry Officer/Investigating Officer as and when required, till the conclusion of the investigation and till the time of presentation of the report against him before the concerned Court.

7. It is, however, clarified that observations made hereinabove



shall not be construed as an expression of opinion on the merits of the case.

28.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No