

**CRR-1097-2024**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-1097-2024**

Date of Decision:- 22.05.2025

SK @ N (minor)

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Sukhwinder Singh Rai, DAG, Punjab.

Mr. Vivek Singla, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioner 'SK' @ 'N' through his grand-mother filed criminal revision against impugned judgment dated 15.05.2024 passed by learned Additional Sessions Judge, Amritsar, whereby criminal appeal under Section 101 of Juvenile Justice Act against impugned order dated 02.04.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar was declined in FIR No. 27 dated 20.02.2024 under Section 363, 366, 376 read with Section 120-B of IPC and Section 6 of POCSO Act registered at Police Station B-Division, Amritsar, as a result, prayer for bail in favour of petitioner was declined.

2. As per the facts of case, complainant gave her statement that she had brought up her grand-daughter i.e. victim 'S'. She was born on

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07.09.2007 and since her childhood she was residing with her. On 18.02.2024, she had gone to market for her personal work. Her granddaughter 'S' was alone in house and when she returned home she found that she was not present in the house. She came to know from people living in locality that 'SK' @ 'N' and his friend Jasbir Singh @ Jajju enticed her away on the pretext of marriage. With these allegations, present FIR was registered.

During the course of investigation, 'SK' @ 'N' was arrested on 22.02.2024 and victim was recovered from her possession. She was medically examined at Civil Hospital, Amritsar. She was also produced before Judicial Magistrate Ist Class, Amritsar and her statement was recorded under Section 164 Cr.P.C. She named Jasbir Singh @ Jajju, 'SK' @ 'N', Kaka and Sawar @ Sawan as accused. She alleged that she was sexually exploited in a hotel by 'SK' @ 'N'. Offences under Section 376, 34 of IPC and Section 6 of POCSO Act were added.

3. Learned counsel for petitioner argued that facts of the case were not rightly considered by the Courts below. Petitioner was juvenile at the time of alleged occurrence. Courts below ignored the provision of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 and wrongly declined relief of bail in favour of petitioner. Infact, FIR was lodged at the instance of complainant due to some misunderstanding. It is not the case of kidnapping or abduction. Present petitioner was apprehended in this case on 22.02.2024 and till date he is in Observation Home. Trial in this case is going on. Testimony of material witnesses have been recorded i.e. alleged victim as PW-1 and complainant/grand-mother

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of victim as PW-2. They have not supported prosecution case. Petitioner will abide by terms and conditions of bail order. Therefore, impugned order dated 02.04.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar and impugned judgment dated 15.05.2024 passed by learned Additional Sessions Judge, Amritsar may kindly be set aside and he may be granted regular bail.

4. Regular bail petition is opposed by learned counsel representing State. It is submitted that after completion of investigation, initially challan was presented in Court against petitioner 'SK' @ 'N' on 23.04.2024. At the time of alleged occurrence, victim was minor. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. As per the contents of FIR No. 27 dated 20.02.2024 (supra) (Annexure P-1), complainant suspected present petitioner for taking away her grand-daughter by giving her allurements of marriage. Statement of victim was recorded under Section 164 Cr.P.C. where allegations of rape were levelled against present petitioner. At present, petitioner is kept in Observation Home and is facing trial. During trial, both complainant and victim examined as PW-2 and PW-1 respectively did not support the prosecution case and were declared hostile. Other prosecution witnesses are yet to be examined. Trial in this case may take long time. Testimony of witnesses will be considered by the trial Court at appropriate stage. Therefore, it will not be appropriate to keep petitioner confined in Observation Home. In the light of aforesaid factual position, criminal revision preferred by petitioner 'SK' @ 'N' is allowed and impugned

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judgment dated 15.05.2024 passed by learned Additional Sessions Judge, Amritsar and impugned order dated 02.04.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar are, accordingly, set aside. Let petitioner be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court concerned, with additional undertaking that petitioner will not contact the victim in any manner.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

22.05.2025

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(AMARJOT BHATTI)
JUDGE

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