



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRR-2052-2024
Date of decision: 26.03.2025**

GURDEV SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant revision petition has been preferred by the petitioner against the impugned judgment dated 17.05.2024 passed by learned Additional Sessions Judge, Amritsar, whereby the appeal preferred by him under Section 101 of the Juvenile Justice Act, 2015, against the order dated 28.02.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar, dismissing the regular appeal under Section 12 of the Juvenile Justice Act in FIR No. 179 dated 11.08.2023 (Annexure P-1) registered under Sections 379-B (2), 34 of IPC and Section 411 of IPC added later on at P.S. Ranjit Avenue, Amritsar (Punjab), had been dismissed.

2. Arguments heard.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in case FIR (Annexure P-1) on the false allegations by the complainant that on the fateful day while he was going on a two wheeler then an auto-rickshaw

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coming from the wrong side stuck him and as a result, he fell down and in the meanwhile, two boys came out of the auto rickshaw and snatched one bag, mobile phone and also the two wheeler of the complainant and fled away from the spot. He contends that the allegations are manifestly wrong and the petitioner, after being arrested on 13.08.2023 was declared juvenile and application for grant of bail was moved which, however, was wrongly dismissed vide impugned order dated 28.02.2024. He submits that the other co-accused namely Jasbir Singh alias Jasveer Singh and Lovepreet Singh alias Love have already been granted concession of bail vide order dated 13.05.2024 and 19.09.2024 (Annexure P-2 and Annexure P-3) respectively. Hence, he prayed for acceptance of the petition and grant of bail to the petitioner.

4. Per contra, learned State counsel, by referring to the reply filed by the State, has assailed these arguments by submitting that there are specific allegations against the petitioner of having snatched the bag along with mobile phone of the complainant and also took away his two wheeler. As such, the impugned order passed by learned Principal Magistrate, Juvenile Justice Board, Amritsar, is not suffering from any infirmity. He, however, admitted that the petitioner is not having any criminal antecedents.

5. After considering the rival contentions and going through the record, it is observed that the prosecution version as registered on the statement of the complainant is that on 05.08.2023 at about 7.30 P.M., the complainant was returning home on his two wheeler TVS Jupiter and when he reached the Airport road, then the auto-rickshaw carrying the

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young boy coming from opposite side hit his scooter. Two boys came out of the auto-rickshaw and snatched his bag containing camera and mobile phone and they drove away his scooter and fled away from the spot. Subsequently, the petitioner was arrested in this case on 13.08.2023. After the completion of investigation, challan has already been presented in Court wherein the prosecution has cited 16 witnesses and till date only one witness has been examined. The possible recoveries have already been effected from the petitioner and co-accused and it has not been disputed that the co-accused Jasbir Singh alias Jasveer Singh and Lovepreet Singh alias Love have already been granted concession of bail vide orders passed in CRM-M-16548-2024 and CRM-M-32295-2024 (Annexure P-2 and Annexure P-3) respectively. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time as only one witness out of 16 witnesses has been examined by the prosecution. The petitioner is not having any criminal antecedents. Therefore, in these circumstances, no purpose will be served by detaining the petitioner in custody any more.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate 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.



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7. The impugned judgment dated 17.05.2024 passed by learned Additional Sessions Judge, Amritsar, is set aside.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

26.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |