

CRR-74-2025

234

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-74-2025

Decided on: 21.05.2025

Saurav

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present : Mr. Rishab Bhandari, Advocate  
for the petitioner.

Mr. Aakanksha Gupta, AAG Punjab

\*\*\*\*

**KIRTI SINGH, J. (Oral)**

The present revision petition has been filed against order dated 27.11.2024 passed by learned Additional Sessions Judge, Mohali whereby Criminal Appeal under Section 101 of Juvenile Justice (Care and Protection of Children) Act against the order dated 28.10.2024 passed by the Principal Magistrate, Juvenile Justice Board, Mohali, rejecting the bail of the petitioner/juvenile against the provisions of Section 12 of Juvenile Justice (Care and Protection) Act.

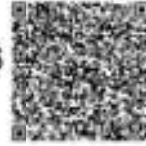
2. The contents of the FIR are reproduced herein below:-

*"Duplicate statement of Bhupinder Singh son of Late Harnam Singh resident of house no 323, tower no 5, SBP North Valley, Landra road Kharar, police station Sadar Kharar district SAS Nagar, age about 55 years, mobile number 98783-79789 has stated that I am resident of the said address. I am doing private job. I have 2 children. Elder daughter (name withheld) age about 15 years (date of birth 10.11.2009), and a younger son Gursehaj Singh age about 11 years.*



*That on 16-08-2024, as usual our family had gone to sleep after dinner in our respective bedrooms and my daughter (name withheld) had gone to sleep in her room. That on the next day, 17-08-2024, I got up at around 5:00AM in the morning and went to wake up my daughter in her room when I saw that my daughter (name withheld) was not in her room. I looked for her in the whole house but I could not find her. I waited a long time but she did not come back to the house. then I looked around nearby for my daughter. I asked about my daughter from my friends and relatives but I could not find anything about my daughter. That I am looking for my daughter until now whom I could not find. Now I am sure that my daughter Jal Preet Kaur aged about 15 years has been taken by some unknown person or persons by deceiving, giving false promise of marriage. Please search for my daughter and take legal action against the unknown person or persons. That my daughter (name withheld) took mobile number 9041545810 with her and also took cash and jewellery with her. That I have come present in the thana before your good self and have given my statement, I have heard, I understood correctly. Correct/- Bhupinder Singh gave Statement, Gurdeep Singh ASI, Sadar Kharar Police Station, Dated 04.09.2024."*

3. Learned counsel appearing for the petitioner/child-in-conflict (hereinafter referred to as CCL) submits that petitioner, a young boy aged 17 years, has been falsely implicated in the case registered on the statement of the father of the prosecutrix against unknown persons, alleging that his daughter had been enticed away on the false pretext of marriage. He submits that petitioner was not named in the FIR and even otherwise, no incriminating role whatsoever is attributable to the petitioner. The petitioner and the prosecutrix were from the same school and hence known to each other. Adverting to the delay aspect, it is contended that the alleged incident is stated to have taken place on August 17,

**CRR-74-2025****3**

2024, while the complaint about the same was submitted on 04.09.2024. However, the appellate Court and the Principal Magistrate, Juvenile Justice Board have committed a grave error while dismissing the bail of the petitioner-CCL, despite there being no evidence on record to establish the veracity of allegations levelled towards him. Further, no independent witnesses have been joined to the investigation. The co-accused in this case has also been granted regular bail by this Court vide order dated 24.04.2025 passed in CRM-M-9354-2025. He further submits that petitioner is a person of clean antecedents and has undergone an actual custody of 07 months and 12 days.

4. Per contra learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. The similar incident had happened on a previous occasion as well but the matter was compromised. She has filed custody certificate and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 07 months and 12 days. She on instructions from investigating officer submits that charges were framed on 18.04.2025, however, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is in custody since 09.10.2024 and has no other case registered against him. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, since as of now only charges have been framed, that too on 18.04.2025. The culpability, if any, would be determined at the time of trial. Moreover, the co-



**CRR-74-2025**

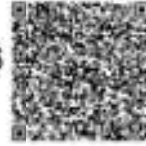
**4**

accused has already been granted regular bail by this Court vide order dated 24.04.2025 passed in CRM-M-9354-2025. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner/CCL in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***", (2018) 3 SCC 22.

7. Accordingly, the present petition is allowed. The petitioner/CCL is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Juvenile Justice Board. The petitioner/CCL shall also abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/intimidate the prosecution witness(s).*
- (iii) *The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.*
- (iv) *The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which he is suspected.*
- (v) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

**CRR-74-2025****5**

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**21.05.2025***reena*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*