

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No.1287 of 2015 (O&M)

Date of decision:15.05.2015

Ranbir Mohto

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Rajesh Arora, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Navita Singh, J. (Oral)

Counsel for the petitioner has shown two judgments of co-ordinate Benches of this Court and one Single Bench judgment of the Delhi High Court showing that even in a case under Section 302 IPC , Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short, the Act) would come into play and bail cannot be declined. This Court is not bound by those.

State counsel, however, submits that the Additional Sessions Judge, Gurgaon rightly declined bail to the petitioner stating that he would be in some kind of physical danger from the family of the deceased if he is released on bail and also there are chances that he would come in contact with known criminal and to commit some kind of offence.

It is also pointed out by counsel for the State that the petitioner had run away to Bihar after commission of the offence and was arrested with great difficulty.

Annexure P.3 shows that in the order dated 4.2.2015, the Principal Magistrate of the Juvenile Justice Board observed in the order

that the petitioner is a resident of Bihar and it was submitted before the Magistrate that the Investigating Officer came to know from the village that the petitioner remained in company of habitual offenders. It was also observed that he was apprehended with great difficulty.

It is, therefore, felt that the case of the petitioner falls under the second part of the sub section (1) of Section 12 of the Act where it is mentioned that the juvenile shall not be released on bail if there appeared reasonable grounds for believing that his release was likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

In view of the above, the petition is dismissed.

15.05.2015
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(NAVITA SINGH)
JUDGE