

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

CRR No.2294 of 2016 (O&M)

Date of decision: June 23, 2016

Aakash

----Petitioner

Versus

State of Haryana

----Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr.Surinder Gaur, Advocate for the petitioner.

Mr.Rajneesh Chadhwai, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Challenge herein is to the order dated 17.5.2016 passed by Additional Sessions Judge, Rohtak, whereby, the appeal of the petitioner Aakash, a juvenile-in-conflict with law, for grant of bail was dismissed.

The petitioner has been facing inquiry before Principal Magistrate, Juvenile Justice Board, Rohtak in case FIR No.524 dated 2.9.2015 under Sections 302, 307, 323/34 of the Indian Penal Code, registered at Police Station City Rohtak.

Ld. Counsel has contended that the petitioner was not named in the FIR, but has been involved by the Police on the basis of alleged disclosure statement of co-accused. He further states that while PW-6 Ram Niwas, the alleged eye-witness, has named the other two accused, but with respect to the third accused he states that he had covered his face with cloth.

He still further admits in his cross examination that he had never seen the petitioner earlier with his son Neeraj and the other co-accused Sumit. Ld. Counsel further contends that the petitioner is not a previous offender and he deserves the concession of bail in view of the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

The petitioner is in custody since 7.9.2015.

The petitioner in this case is a first offender. He or his family has no criminal back ground. It is settled that in view of Section 12 of the Act, the nature of offence alleged to have been committed by a juvenile is not to be seen and granting of bail to a juvenile is mandatory. Bail can only be declined if there are reasonable grounds to believe that his release is likely to bring him in 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 above, without expressing any opinion on the merits of the case, the petition is allowed and it is ordered that Aakash – petitioner be released on bail on his furnishing bail/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board/ Duty Magistrate, Rohtak.

23.6.2016
Atul

(HARINDER SINGH SIDHU)
JUDGE