

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

**CRR No.2831 of 2016 (O&M)
Date of Decision:- October 24, 2016**

Amit

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this revision petition under Section 401 Cr.P.C. against respondent State of Haryana, challenging the order dated 21.07.2016 passed by learned Principal Magistrate, Juvenile Justice Board, Karnal, vide which the bail application filed by the petitioner was dismissed and also challenging the order dated 02.08.2016 passed by learned Addl. Sessions Judge, Karnal, vide which the appeal filed by the petitioner against the order dated 21.07.2016 was also dismissed.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the FIR has been registered against present petitioner alleging that he committed unnatural offence with two minor boys aged about 9 and 7 years. The petitioner is a juvenile. Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2000 provides that when any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit institution of fit person but he shall not be so released if there appear reasonable grounds for believing that the release is 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.

The above provisions show that the juvenile is to be released on bail except on the grounds that it may likely to bring him into association with any known criminal, which is not the case in the present case in hand and secondly, that it will expose him to moral, physical or psychological danger, which is also not the case in the present case in hand. It is only written that it will defeat the ends of justice.

Learned counsel for the petitioner argued that from the MLR, placed on the record, no tear or abrasion or foreign body was seen in the anal canal.

Keeping in view the facts and circumstances of the present case, I find that gravity of the offence is not to be seen in the case of

juvenile and bail cannot be granted on the ground of nature and gravity or on the ground that juvenile may tamper with evidence or will flee from justice. Learned Addl. Sessions Judge, Karnal mainly dismissed the bail application by stating that there was apprehension that juvenile will flee from justice or will exert pressure upon the prosecution witnesses.

In view of the above discussion, I find merit in the present revision petition and the same is allowed. The impugned orders dated passed by both the Courts below are set aside. Petitioner Amit is directed to be released on bail to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Karnal.

October 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No