

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Revn. No.586 of 2016

Date of Decision: May 27, 2016

Narpal Juvenile minor son of late Shri Rajpal .....Petitioner

Versus

State of Haryana .....Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA**

**Present:** Ms.Rumpa Ghorai Saha, Advocate for  
Mr.Deepak Sonak, Advocate for the petitioner.

Mr.Anmol Malik, Assistant Advocate General, Haryana.

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***TEJINDER SINGH DHINDSA, J.***

The instant revision petition is directed against the judgment dated 22.12.2015 passed by the learned Sessions Judge, Rewari whereby an order dated 8.12.2015 passed by the Principal Magistrate, Juvenile Justice Board, Rewari declining regular bail to the juvenile/present petitioner has been upheld.

2. FIR No.155 dated 10.6.2015 came to be registered under Section 302/34 of the Indian Penal Code at Police Station Rampura on the complaint of Vikram singh. Complainant asserted that he had received telephonic information from Himmat Singh that Gajraj, Bhoop Singh and the present petitioner were beating to his brother, namely, Pardeep near a bus stand.

Complainant having rushed to the indicated spot saw Gajraj holding his brother and present petitioner inflicting a blow on the neck of his brother with a broken glass bottle. Upon seeing the complainant, the assailants ran away. Pardeep is stated to have died on the spot. Motive attributed by the complainant is that on a previous occasion also, the accused party had quarrelled with his family under the influence of liquor and Pardeep (since deceased) had warned them not to do so and on account of this, a grudge had been nursed.

3. The application seeking benefit of bail on behalf of the petitioner has been rejected by the Juvenile Justice Board. In appeal having been preferred, the impugned order dated 22.12.2015 has been passed by the learned Sessions Judge, Rewari. Against such brief backdrop, the instant revision petition has been filed.

4. Learned counsel for the parties have been heard.

5. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short '2000 Act') reads as under:

*“12. Bail of juvenile – (1) 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*

*or 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.*

*(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.*

*(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order."*

6. A bare reading of the provision re-produced hereinabove would make it apparent that an exception has been carved out for declining bail to a juvenile who is in conflict with law i.e. he or she is likely to come in association with any known criminal or upon release on bail would expose such juvenile to moral, physical or psychological danger or that release to the juvenile would defeat the ends of justice. For invoking such exception envisaged under Section 12 of the 2000 Act, there has to be some material/basis before the competent Court so as to

form an opinion and to come to a conclusion that release of the juvenile would fall within the exception recognized under the provision.

7. The benefit of bail has been declined to the present petitioner/juvenile in terms of the impugned order dated 22.12.2015 passed by the learned Sessions Judge, Rewari on the following reasons:

*".....The complainant party and the appellant-juvenile belong to the same village. The murder of a family member of the complainant party is attributed to the appellant-juvenile. The atmosphere in village will be surcharged which may imperil the safety of the juvenile if released on bail. It is in his own interest that he should remain in observation Home. There is no substance in the contention of the learned counsel for the appellant-juvenile that he will be living with his family and will not come in contact with hardened criminals. The question is not whether he will be living with his family or outside. The question is whether he will be safe even with his family when the family of the slain person is residing in the same village within vicinity. In this respect, the satisfaction recorded by the Juvenile Justice Board does not suffer from any infirmity or illegality so as to warrant interference."*

8. Learned counsel appearing for the petitioner has not been able to controvert the factual aspect as regards the complainant party and the petitioner/juvenile belonging to the

same village. The accusation against the present petitioner as also other co-accused is with regard to murder of Pardeep i.e. brother of the complainant. There would be a distinct and realistic possibility of the petitioner/juvenile to be exposed to physical danger if released on bail since he also belongs to the same village as that of the complainant-party.

9. It cannot be held that the impugned order has been passed without there being any basis or material to bring the case within the exceptions carved out under Section 12 of the 2000 Act while declining the benefit of bail.

10. The impugned order dated 22.12.2015 passed by the learned Sessions Judge, Rewari is based on sound and cogent reasons. There would be no basis to warrant interference in the same.

11. Petition is dismissed.

May 27, 2016

*SRM*

( TEJINDER SINGH DHINDSA )  
JUDGE

*Note: Whether referred to Reporter? (Yes/No)*