

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

**Crl. Misc. No.M-19614 of 2017 (O&M)
Date of Decision: September 22, 2017.**

Manjeet

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K.Verma, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl. AG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 180 dated 20.09.2016 registered for the offence punishable under Section 302 of Indian Penal Code at Police Station Alewa, District Jind.

Heard.

The petitioner is admittedly a juvenile, whose case has been referred for trial as an adult as per Section 18(3) of Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act'). The trial is now pending before the Additional Sessions Judge, Jind.

As per the provisions of Section 12 of the Act, the bail application of the juvenile lies before the Juvenile Justice Board and is to be decided as per the guidelines given in this section where procedure to be

followed for custody of juvenile if the bail application is declined, is also prescribed and order passed by the Juvenile Justice Board on the bail application is an appealable order.

In this case, after referring the case to District and Sessions Judge, Jind for trial vide order dated 07.12.2016 passed by Juvenile Justice Board, Jind, firstly, the juvenile was detained in District Jail, Jind. However, when this fact was enquired from the State, he was again sent to Observation Home, Hisar. The bail application was also filed under Section 439 Cr.P.C before the Additional Sessions Judge, Jind which was dismissed vide order dated 27.04.2017. However, in that order provisions of Section 12 of the Act were nowhere discussed.

Keeping in view the above fact and law on the point, this petition is disposed of with liberty to the petitioner to approach the Juvenile Justice Board under Section 12 of the Act, for his bail. On receipt of application, Juvenile Justice Board will decide the same on merits as per the provisions of Section 12 of the Act without being influenced from anything observed in the order passed by Additional Sessions Judge, Jind.

September 22, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: ***Yes/No***