

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

**CRR No.1245 of 2017 (O&M)
Date of Decision: October 11, 2017**

Ravi

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravi against respondent State of Haryana, challenging the impugned order dated 17.01.2017 passed by learned Principal Magistrate, Juvenile Justice Board, Rohtak vide which the bail application filed by the petitioner was dismissed and also challenging the judgment dated 22.02.2017 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was also dismissed.

Notice of motion was issued. 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 juvenile was sent to face enquiry before Juvenile Justice Board, Rohtak under Sections 302, 449, 120-B, 34 IPC and Section 25 and 30 of the Arms Act. The juvenile-present petitioner filed application under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The application was opposed by learned Asstt. Public Prosecutor and learned Principal Magistrate, JJB, Rohtak, dismissed the application, by simply keeping in view the nature and gravity of the offence and further in view of the fact that if the juvenile is released on bail, it may bring him in association with known criminals and would defeat the ends of justice. An appeal was filed by the petitioner before Court of Session and learned Addl. Sessions Judge, Rohtak, dismissed the appeal, vide impugned judgment dated 22.02.2017.

Aggrieved from the above-said order and judgment, present revision petition has been filed.

From the record, I find that under Section 12 of the Juvenile Justice Act, the Court is not to see the nature and gravity of the offence. It is no ground, that FIR is under Section 302 IPC, to reject the bail. Secondly, the Magistrate has not given any reasoning that if the accused is released on bail, then he will come into association with known criminals and how it would defeat the ends of justice.

The present petitioner is not the main accused. There is no attribution to him like causing any injury to the deceased. In these circumstances, if the bail is not granted to the juvenile, then the very purpose of incorporating Section 12 in the Juvenile Justice Act would be frustrated.

Keeping in view the facts and circumstances of the present

case, I find merit in the present revision petition and the same is allowed. The impugned order dated 17.01.21017 passed by learned Principal Magistrate, Juvenile Justice Board, Rohtak and the judgment dated 22.02.2017 passed by learned Addl. Sessions Judge, Rohtak, are set aside. It is ordered that petitioner be released on bail to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Rohtak.

October 11, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No