

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

**CRR No.2437 of 2017 (O&M)
Date of Decision: October 09, 2017**

Sahil Birla

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sahil Birla against respondent State of Punjab, challenging the impugned order dated 04.05.2017 passed by learned Principal Magistrate, Juvenile Justice Board, Jalandhar vide which the bail application filed by the petitioner was dismissed and also challenging the judgment dated 05.06.2017 passed by learned Addl. Sessions Judge, Jalandhar, vide which appeal filed by petitioner was also dismissed.

Notice of motion.

Mr.K.S.Aulakh, Deputy Advocate General, Punjab, has put in appearance on behalf of the respondent-State 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 admittedly, the petitioner was

juvenile at the time of occurrence and he is to be tried by Juvenile Justice Board. The perusal of the FIR shows that petitioner is not named in the FIR nor any role or injury is attributed to him. Later on, on the basis of supplementary statement, the present petitioner is involved. There are 5-6 other accused including close relatives of the petitioner. Further, I find that there is nothing on record to show that if the juvenile is released on bail, he will join the company of hardcore criminals etc. nor, in the facts and circumstances, it can be held that his bail application should be dismissed.

The perusal of the record, rather, shows that the petitioner was not named in the first version i.e. in the FIR. No role has been attributed to him. Keeping in view the facts and circumstances of the present case and provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, I find merit in the present revision petition and the same is allowed. The impugned order dated 04.05.2017 passed by learned Principal Magistrate, Juvenile Justice Board, Jalandhar and the judgment dated 05.06.2017 passed by learned Addl. Sessions Judge, Jalandhar, are set aside. It is ordered that petitioner be released on bail to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Jalandhar.

October 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No