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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR No. 3308 of 2017
Date of Decision: 25.10.2017

Bholu @ Prashant

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. D.R. Singla, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

Admittedly, the petitioner in the present case is a juvenile and has challenged the impugned order dated 07.07.2017 passed by the Ld. Additional Sessions Judge, Palwal, vide which his bail application was rejected with the following observations:

“Perusal of record duly maintained by the Board shows that the appellant remained in protective custody in District Alwar (Rajasthan) in connection with F.I.R. No. 147/17 registered u/s 399/402/353/307 of IPC and section 25/4/59 of Arms Act, PS Bhiwadi. The age of the appellant as per his Adhaar Card and

Matriculation Certificate, is 08.07.2000. Thus, at the time of alleged commission of offence the appellant was above the age of 16-years and admittedly, the Board is yet to conduct preliminary assessment u/s 15 of the Act with regard to his mental and physical capacity to commit the offence and where he is to be tried. The father of the appellant has failed miserably to keep the appellant aloof from anti-social elements and other known criminals. In this background of the appellant, it cannot be said that the impugned order suffers from any infirmity calling for any interference.”

2. The petitioner's father has since submitted his personal Affidavit, in which he has undertaken to keep the juvenile in his supervision and to ensure that he will not be allowed to come into association of criminals, or exposed to any moral, physical and psychological danger.

3. In the given circumstances and considering the undertaking given by the petitioner's father, the petitioner is directed to be released on bail to the satisfaction of the Juvenile Justice Board/Chief Judicial Magistrate, Palwal.

4. Disposed off.

25.10.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No