

244.

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

CRR-162-2018

Date of decision:17.07.2018.

AJAY, MINOR, SON OF RAJ KUMAR @ RAJU

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sumit Gupta, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Vishwajeet, Advocate, for
Mr. Vikram Singh, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Section 401 Cr.P.C. impugning the judgment dated 14.12.2017 passed by learned Additional Sessions Judge-cum-Children's Court, Karnal, whereby his appeal against the judgment dated 27.10.2017 passed by learned Principal Magistrate, Juvenile Justice Board, Karnal (for short 'the Board), was dismissed.

The Board dismissed the bail application of the juvenile with an observation that the juvenile who is involved in commission of serious offence and is a habitual offender, if released on bail, may misuse the concession and may try to flee from justice. The said order was challenged by way of appeal before the learned Additional Sessions Judge, Karnal but same was also dismissed.

It is in the aforesaid circumstances, the petitioner has approached this Court impugning the judgments passed by the Courts below.

Learned counsel for the petitioner states that the petitioner has not caused injury which attract offence under Section 302 IPC. The only allegation against the petitioner is that he has given lathi blow to the complainant side. He is in custody since 04.09.2017. Learned Juvenile Justice Board has declined the appeal while observing that the petitioner-juvenile is involved in commission of serious offence and he is a habitual offender. Since the observations of the Juvenile Justice Board are contrary to record, a clarification was sought and the learned Juvenile Justice Board has admitted his fault so far as allegation of habitual offender against the petitioner is concerned.

To a specific query as to what the petitioner is doing as on date, learned counsel for the petitioner states that the petitioner is a student of 10th class and is ready to face trial in accordance with law but to save his academic career, he may be admitted on bail.

Learned State counsel, on instructions from ASI Chandan Singh, is not able to controvert the fact that the petitioner is a student of 10th class. The I.O. who is present in court, has shown his ignorance about the petitioner's antecedents.

I have heard learned counsel for the parties.

Considering the fact that petitioner is in custody at observation home since 04.09.2017 and the trial in the case will take long time, coupled with the fact that he is a student and a bare perusal of the FIR nowhere suggests that he is responsible for causing injury for offence under Section

302 IPC, petitioner deserves the concession of bail.

Accordingly, the revision petition is allowed, the impugned orders are set aside and the petitioner is admitted on bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of the Board.

It is made clear that merely because he has been admitted on bail, shall not construe any expression on the merits of the case about the juvenility or his participation.

(HARI PAL VERMA)
JUDGE

17.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No