

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 3391 of 2018 (O&M)

Date of Decision: 12.10.2018

Rajan Preet Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bipan Ghai, Senior Advocate
with Mr. Vishvajit S. Virk, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

Vide order dated 11.09.2018, learned Additional Sessions Judge, Kurukshetra declined the reference by the Juvenile Justice Board, Kurukshetra to try the petitioner as an adult and the matter was sent back to Juvenile Justice Board, Kurukshetra to conduct further enquiry.

Regular bail application of the petitioner filed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (later referred to as 'the Act') was declined by learned Additional Sessions Judge/Children Court, Kurukshetra vide order dated 18.09.2018. After order dated 11.09.2018, application under Section 12 of the Act did not lie before Additional Sessions Judge/Children Court, Kurukshetra. It could be filed before the Juvenile Justice Board. It appears that this fact was not brought to notice of the Court at the time of declining the application seeking bail for the petitioner. As per Section 12 of the Act, the petitioner is entitled to move application seeking bail before the Juvenile Justice Board, which will

Keeping in view above facts, this petition is disposed of with liberty to the petitioner to apply for the bail as per Section 12 of the Act before Juvenile Justice Board, Kurukshetra. While deciding bail application of petitioner, Juvenile Justice Board shall not be swayed by any observation made in order dated 18.09.2018 passed by Additional Sessions Judge/Children Court, Kurukshetra.

October 12, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No