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

CRR No.475 of 2018

Date of Decision: 14.02.2018

Ankit

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner has preferred the present revision petition against the impugned orders whereby bail was declined to the petitioner. Juvenility of the petitioner is not in dispute as he was found to be 15 years 11 months of age at the time of commission of the offence.

2. Prosecution story started with the allegations that on 15.11.2017 at about 11.30 PM, petitioner Ankit along with co-accused Ashish @ Binda caused death of Sita Ram-brother of the complainant by causing injuries with stones and danda.

3. The bail was declined to the petitioner primarily on the ground that his release would enhance the chances of his

coming into the company of habitual offenders and the same would defeat the ends of justice.

4. Learned counsel for the petitioner submits that the Courts below have wrongly observed that release of the petitioner would bring him into association with known criminal which would expose him morally, physically and psychologically and the ends of justice would be defeated.

5. Section 12 of the Juvenile Act and the Rules framed thereunder, the gravity of offence is immaterial. The only consideration at this stage is that the Court is required to reach at a *prima-facie* conclusion that the ends of justice would be defeated in the event of grant of bail to the juvenile in conflict with law.

6. Grant of bail to the juvenile in terms of Section 12 of the Act is a general rule and refusal is an exception. The bail can only be refused in three situations where reasonable grounds exist for believing that the release of juvenile in conflict with law is likely to bring him into association with known criminals. Secondly, his release would expose him morally, physically and psychologically and thirdly, his release would defeat the ends of justice. On all the three counts, satisfaction of the Court is required to be made.

7. Petitioner is in custody since 06.12.2017. No specific

role has been ascribed to the petitioner. Allegations are that he along with co-accused with the help of stones and danda have caused death of Sita Ram.

8. Learned State counsel on instructions from ASI Anoop Singh admits that no recovery was effected from the petitioner.

9. Taking into consideration the aforesaid facts, at this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

10. In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Principle Magistrate, Juvenile Justice Board, Jhajjar.

11. Nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

14.02.2018
 jyoti

(RAJ MOHAN SINGH)
JUDGE

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