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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-348-2019 (O&M)
Date of Decision : July 05 , 2019

Jeet (Juvenile)

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by : - Mr. Sumit S. Bairagi, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
for the respondent-State.

SHEKHER DHAWAN, J.

Present revision petition is directed against the order dated 04.09.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Panipat [for short, "**the Board**"], vide which the bail application of the petitioner was dismissed. The appeal preferred by the present petitioner against the said order was dismissed by learned Additional Sessions Judge, Panipat vide order dated 13.09.2018.

2. Facts relevant for the purpose of decision of the present revision petition; that on 10.08.2018 one unknown person was found lying under the trees on the northern side of ESI Hospital, Panipat. On 12.08.2018, he was identified as Manjeet son of Santish. During the course of investigation, Krishan alias Nanha was arrested on 18.8.2018. On 20.8.2018, accused Pawan and Ravi were arrested. Their disclosure

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statements were recorded. Recovery of *danda* used by accused Krishan, Pawan and Ravi was effected in consequence of their disclosure statements. Accused Krishan got recovered Aadhar Card of Manjeet whereas accused Pawan got recovered driving license and accused Ravi got recovered Debit Card of Manjeet.

3. During the course of investigation, the petitioner was apprehended on 30.08.2018 and as per his disclosure statement, he had called Manjeet telephonically in the voice of Nisha. At about 10.30 PM, Manjeet came near the school and Pawan, Krishan and Ravi had seen Manjeet and his uncle Krishan sent him back and he went away.

4. Learned counsel for the petitioner contended that the petitioner is in custody since 30.08.2018 and he is innocent and falsely implicated in this case. More so, the investigation is already complete and final report has been submitted by the Police to Juvenile Justice Board. The petitioner is admittedly a juvenile as his date of birth is 21.02.2006 and on the date of occurrence, i.e., 10.08.2018, he was juvenile as defined under Section 2k of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short, "**the Act**"). The petitioner is a student of 8th class and he is to appear in the 8th class examination. The Act enacted and amended to take care of the children and for their proper care and protection. Section 12 of the Act mandatory provides for grant of bail to the juveniles, but still learned Principal Magistrate of the Board as well as the Appellate Authority dismissed the application for bail without there being any legal or justified ground.

5. Learned State counsel opposed the petition on the ground that

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both the Courts below have duly considered the role attributed to the present petitioner and rightly denied the benefit of bail and the present revision petition be dismissed.

6. Having considered the submissions made by learned counsel for the parties and above facts that the petitioner was admittedly a juvenile on the date of alleged occurrence and taking into consideration the role attributed to the petitioner, that is to call Manjeet on the place of occurrence in the voice of Nisha, and the period of confinement by now and the provisions of Section 12 of the Act, no purpose shall be served by detaining the petitioner in custody any more.

7. Resultantly, the present revision petition stands allowed and the order dated 04.09.2018 passed by learned Principal Magistrate of the Board and order dated 13.09.2018 passed by learned Additional Sessions Judge, Panipat are set-aside and the petitioner is ordered to be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Panipat.

8. Any observation made herein above shall have no bearing on the merits of the case.

(SHEKHER DHAWAN)
JUDGE

July 05 , 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes