

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

241

CRR-284-2019 (O & M)
Date of Decision:03.05.2019

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Varun Dutt, Advocate
for the complainant.

MANOJ BAJAJ, J.(ORAL)

Petitioner, namely Sumit has filed the present petition to challenge the order dated 27.11.2018 by the learned Additional Sessions Judge, Hisar whereby his appeal against the order dated 20.11.2018 passed by the Principal Magistrate, Juvenile Justice Board, Hisar dismissing his bail under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015, was upheld.

The petitioner is an accused in case FIR No.261 dated 27.08.2018 for the offences under Sections 323, 324, 325, 326, 147, 148, 307 and 120-B IPC, registered at Police Station Narnaund and is in custody since his arrest on 23.10.2018. The FIR (Annexure P-1) was registered on the statement of Mandeep Singh son of Randhir Singh and the same reads as under:-

“Statement of Mandeep son of Randhir Singh cast Jat resident of Ward No.8 Narnaund, age 30 years old, Mobile No.92552-30000 stated that I resident of above said address and do works agriculture that on 25.8.2018 at about 3:00 P.M., he was present in his house, in the meantime, his brother received telephonic message that some unknown boys has caused injuries to his cousin Buntty @ Krishan and he was lying at Jind Raod. Upon receipt of said information, he reached at village Khanda turn and took Buntty to G.H. Hisar where after providing first-aid, doctor has referred injured to Agora Medical Centre but due to serious injurious they took him at Churamani Hospital, Hisar, there Krishan @ Banti was admitted for treatement. My brother Banti @ Krishan is unconscious due to injuries which were caused in the fighting. He himself can tell the reason of quarrel after coming on conscious. My brother Banti @ Krishan was coming home by his bike then on the way caused injuries to him by some unknown boys. Action should be taken against unknown boys. I have recorded my statement in the presence of Anuj son of Dinesh, which is correct I have heard. ”

Learned counsel for the petitioner has contended that as per the version contained in the FIR, some unknown persons had attacked Krishan @ Buntty and the petitioner is not named in the FIR. According to him, the petitioner is a juvenile, who has been falsely implicated in this case. It is further contended that the special statute confers a right upon the juvenile to seek bail unless there are extra ordinary circumstances to deny the same.

In the present case, the Juvenile Justice Board as well as the Appellate Court have proceeded to decline the concession without recording any such satisfaction, much less based upon any convincing material while

holding that the petitioner is a juvenile in conflict with law and does not deserve this concession of bail. Learned counsel has further contended that the identity of the petitioner and his involvement in the incident is seriously doubtful.

On the other hand, the concession is being opposed by learned State counsel who is assisted by ASI Ram Pal. However, it is not disputed that the petitioner is a juvenile and is involved in this case only. It is further fairly stated by learned State counsel that the statement of injured was recorded on 31.08.2018, wherein the name of the petitioner was not stated amongst the persons who were present at the spot and caused injuries to him.

Considering the above background and the fact that the petitioner is juvenile, further detention of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Juvenile Justice Board, Hisar.

The petition is allowed.

03.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No