

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-242-2019 (O&M)
Date of Decision:-9.4.2019

Mohit ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking setting aside of order dated 18.1.2019 passed by learned Sessions Judge, Bhiwani whereby his appeal challenging order dated 9.1.2019 passed by the Court of Principal Magistrate, Juvenile Justice Board, Bhiwani declining his application seeking grant of bail, has been dismissed.

The FIR, in the present case, was lodged at the instance of Mani Ram, wherein it has been alleged that Sanju Tantan, Deepak and Mohit had created a forged ID on Facebook by uploading a photograph of his son and used to send objectionable messages on the Facebook. Although, the complainant tried to reason out with them but to no avail. It is alleged that

on 5.10.2018, the Sarpanch of the village called both the parties to his house and accordingly Sanju Tantan, Mohit, Sher Singh, Ajay, Deepak as well as Mohit's mother namely Krishna, complainant's son Bir Pal and Budh Pal and the complainant also reached there. After the meeting, when they were returning back home, they were way laid by Krishna, Mohit, Sher Singh, Ajay and Deepak, who were armed with '*kulhari*', '*gandasi*' and '*danda*'. It is alleged that Krishan and Mohit exhorted that the complainant should be eliminated, upon which Mohit gave a blow with '*axe*' on Bir Pal. Sher Singh, who was armed with '*gandasi*' gave a blow with the same on complainant's head and Ajay, who was armed with '*darati*', gave a blow with the same on the head of the complainant's son Budh Pal. It is alleged that thereafter Mohit and Krishana, who were armed with '*sticks*', gave injuries to the complainant and to his sons Budh Pal and Bir Pal and also gave '*kick*' and '*fist*' blows.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case, the petitioner being juvenile deserves the concession of bail. The learned counsel has further submitted that, in the present case, the complainant Mani Ram as well as injured Budh Pal already stand examined and that in these circumstances no useful purpose would be served by further detaining the petitioner behind bars.

Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and is alleged to have given a blow with '*kulhari*' including a '*grievous injury*' on the head of Bir Pal, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about five months.

Having considered rival submissions addressed before this Court and while bearing in mind that the petitioner is a juvenile, he deserves to be shown leniency in the matter of grant of bail, more particularly, keeping in view the provisions of Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2000. The present petition, as such, is accepted. The impugned order dated 18.1.2019 passed by learned Sessions Judge, Bhiwani and order dated 9.1.2019 passed by the Court of Principal Magistrate, Juvenile Justice Board, Bhiwani are hereby set aside. The petitioner Mohit is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Further the parents of the petitioner shall ensure that the petitioner does not come in association with any known criminals and keeps away from such persons and does not indulge in any other offence.

The present petition stands accepted accordingly.

9.4.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No