IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6341 of 2020.
Date of Decision : December 30, 2020.

Ashok Kumar through his father ...Petitioner.

Versus

State of H.P. & Others ...Respondents.

Coram:
The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1] *No.*

For the petitioner : Mr. A.K. Sharma, Advocate.

For the respondents : Mr. Ashok Sharma, A.G. with Mr. Adarsh Sharma & Ms. Rita Goswami, Addl. A.Gs.

COURT PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Anoop Chitkara, Judge (oral).

Instead of filing an application under Section 12 of the Juvenile Justice (Care and Protection of Children), Act 2015, the petitioner has come up before this Court for issuance of writ against the order of rejection of bail by learned Additional Sessions Judge, Nalagarh, District Solan.

2. Learned Additional Sessions Judge, while rejecting the bail, referred the judgment of Hon'ble Supreme Court in **Tejram Nagrachi Juvenile** versus **State of Chhattisgarh, MCRC No.8523 of 2016** decided on 5.4.2019, wherein the Hon'ble Supreme Court has observed that grant of bail to a juvenile is required to be dealt

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

with under Section 12 of the Juvenile Justice (Care and Protection of Children), Act 2015 and not under Section 437 and 439 of the Code of Criminal Procedure.

3. Mr. A.K. Sharma, learned counsel argues that the observations made by learned Additional Sessions Judge, in paragraph 10 of the order, creates obstructions for him in approaching the concerned Juvenile Justice Board.

4. We refer paragraph 16 of the order, whereby learned Additional Sessions Judge, has clarified that the observations made therein shall have strictly for the disposal of the bail petition and shall have no effect on the merits of the case. Although the order is very clear, yet we clarify that the petitioner may file an application under Section 12 of the Juvenile Justice (Care and Protection of Children), Act 2015 and any observation made in the bail order, shall not come in the way of the petitioner, in any manner whatsoever.

5. With the aforesaid observations, the writ petition stands disposed of, so also the pending application(s), if any.

(L. Narayana Swamy)
Chief Justice.

(Anoop Chitkara),
Judge

December 30, 2020 (ps)