

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

Manga Mann and another VsPetitioners

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Mr. Gaurav Dhuriwal, Sr. DAG, Punjab.

(The case has been taken up for hearing through video-conferencing.)

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail by way of filing present revision petition against the orders dated 24.04.2020 passed by Additional Sessions Judge, Kapurthala and order dated 12.03.2020 passed by Principal Magistrate, Juvenile Justice Board, Kapurthala, whereby prayer for grant of regular bail was rejected in case bearing FIR No.159 dated 20.10.2019 registered under Section 302 read with Section 34 IPC at Police Station Satnampura, District Kapurthala.

At the very outset, learned State Counsel appears in the case on account of supply of advance copy to the State and

he states that he has obtained instructions on behalf of the State and is ready to argue the case on merits. With the concurrence of the Advocates, the matter is taken up for arguments.

Petitioners have been arrayed as accused on the basis of their extra judicial confession before Sucha Ram, Nambardar and Hansraj, Ex-Panch in case of blind murder of Kalanand @ Rana who was a domestic servant of the complainant Gurpreet Singh.

Learned counsel for the petitioners states that only one injury was found on the head of the deceased and the petitioners are entitled for regular bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Rules framed thereunder. The gravity of offence is immaterial under the Act. It would also be debatable as to the complicity of the petitioners in terms of Section 302 IPC as only one injury was found on the head of the deceased and there was no repetition of any blow. The only consideration at this stage is to reach at a prima facie conclusion that the ends of justice would be defeated in the event of enlarging the juvenile in conflict with law on bail and such release of juvenile would expose him morally, physically and psychologically, when he will be associated with known criminal. Bail can be rejected only in

three eventualities i.e. where reasonable ground exists for believing that the release of juvenile in conflict with law is likely to bring them in association with known criminal, the release would expose them morally, physically and psychologically and the release would defeat the ends of justice.

Learned State counsel submits that the only consideration at this stage is to see whether ends of justice would be met in the event of enlarging the juvenile in conflict with law on bail. The release would definitely expose them morally, physically and psychologically and their chances of contact with the known criminals would be higher.

The factum of only one injury found on the person of deceased is not in dispute. As per Section 3(1) of the Act, principle of presumption of innocence would apply in case of juvenile till the complicity/guilt is proved by way of incriminating evidences.

Taking into consideration the totality of facts and circumstances of this case and without adverting to the merits of the case, at this stage, I deem it appropriate to enlarge the petitioners on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Kapurthala.

Nothing expressed hereinabove would be construed to

be an expression of any opinion on merits of the case.

May 21, 2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No