

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

CRR-924 of 2020 (O&M)

DATE OF DECISION : 23.07.2020

Puneet Arora @ Mithu

...Petitioner

Versus

State of Haryana

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Juvenile in conflict with law is challenging order dated 06.08.2019 passed by the Juvenile Justice Board, Kurukshetra by virtue of which his prayer for releasing him on bail in case FIR No. 211 dated 21.05.2019, registered under Sections 148, 149, 302, 323, 341, 506 and 216 IPC, Police Station Kurukshetra University, Kurukshetra, has been declined. A further challenge is made to the order dated 09.01.2020 passed by Additional Sessions Judge, Kurukshetra vide which appeal of juvenile against the order dated 06.08.2019 has been dismissed.

2. Learned counsel appearing for petitioner submits that petitioner is a juvenile. He was not named in the FIR nor any overt act has been attributed to him. According to him, he was arrested subsequently and recovery of a danda was shown to have been made from him, which has been planted by the investigating agency. He further submits that petitioner is in custody since 20.06.2019 and there is/ was no material to show that release of petitioner will

bring him to the association with any known criminal or that his release will expose him to moral, physical or psychological danger or his release would defeat the ends of justice. He further submits that petitioner is a student and having no other criminal antecedents. According to him, only 8 witnesses out of 31 have been examined so far and there is no likelihood of conclusion of trial in near future due to Covid-19 pandemic. He relies on decisions of this Court in **CRR-4584 of 2017(Neha Vs. State of Punjab)**, decided on 19.02.2018, **CRR-5030 of 2015(Gaurav Vs. State of Haryana)**, decided on 02.03.2016 and **CRR-474 of 2016(Arvinder Singh @ Ravinder Singh Vs. State of Punjab)**, decided on 11.02.2016.

3. On the other hand, learned State counsel has supported the impugned orders passed by the Courts below. According to him, it was rightly observed that release of petitioner will expose him to moral, physical or psychological danger or his release would defeat the ends of justice.

4. Having heard learned counsel for the parties and on perusal of records of the case, I am of the view that impugned orders are not sustainable and are liable to be set aside. Petitioner is a student of Class 12 when the occurrence took place. It is not in dispute that he is not involved in any other case. It is no more *res integra* as held in the cases of Neha, Gaurav and Arvinder Singh, *ibid*, that gravity of offence has not to be seen at the time of grant of bail to a juvenile. The object of Juvenile Justice Act is to provide care, protection, development and rehabilitation of neglected and delinquent juveniles. Though, the Courts below have given reason that if the petitioner is released on bail that will expose him to moral, physical or psychological danger or his release would defeat the ends of justice. However, no such material has been referred while arriving at a conclusion. In the considered opinion of this Court, the Courts below have not satisfied the requirements of provision of

Section 12(1) of the Act and without having any material on record, the bail application of the petitioner has been declined. That apart, it is evident that the petitioner was not named in the FIR. The petitioner was arrested in this case on 20.06.2019 and the trial is going on at a snail pace due to Covid-19 pandemic situation where the Courts are taking up only urgent matters. Out of 31 witnesses, only 8 have been examined so far and there is no likelihood of trial being concluded in near future.

5. In view of the above, impugned orders dated 06.08.2019 and 09.10.2020 are set aside. Petitioner is released on bail subject to furnishing bail/surety bonds to the satisfaction of Principal Magistrate, Juvenile Justice Board/Chief Judicial Magistrate on the following terms:-

(i) The petitioner is placed under supervision of the Probationary Officer, who shall file periodical reports in respect of juvenile before the Board till the inquiry

(ii) The father/ guardian of the petitioner shall stand as a surety for release of the petitioner on bail. He shall execute a bond for Rs.50,000/- with undertaking of maintaining good conduct of juvenile and also in keeping him away from associating with criminals while he continues to be on bail in the present proceedings.

(iii) The petitioner and his father/ guardian shall report before the Juvenile Justice Board as and when directed without default till the proceedings are over.

(iv) In the event of any adverse report filed against the juvenile by the Probationary Officer or on any default or violation of the

*conditions imposed above, it is open to the Juvenile Justice Board
to revoke the bail granted to the petitioner without having any
further orders from this Court.*

Disposed of.

(ARUN MONGA)
JUDGE

JULY 23, 2020
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No