

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

CRR-1029-2020(O&M)

Date of decision:-7.8.2020

Kapil Mor

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.S. Sullar, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This revision petition is directed against judgment/order dated 5.6.2020 passed by the Court of learned Additional Sessions Judge, Hisar vide which he had dismissed the appeal filed by appellant - child-in conflict-with law, namely, Kapil Mor vide which he had challenged the order dated 29.1.2020 passed by Principal Magistrate, Juvenile Justice Board, Hisar vide which his application for bail had been dismissed.

Briefly stated, the facts of the case are that FIR in question was got registered by complainant Naveen son of Ramesh, resident of village Ugalan, who in the written complaint submitted by him to the police stated that on 31.5.2018 at about 5:00/6:00 p.m., he was having a

practice session in Vidya Academy, village Ugalan; in the meanwhile, he heard noises of quarrel from the road side, therefore, he went there; meanwhile his uncle Bijender son of Sube Singh and Jai Singh, residents of his village also came there; all three of them observed that some persons were beating father of the complainant, namely, Ramesh, who was raising alarm; Krishan @ Kala son of Umed gave an iron rod blow on head of head of Ramesh, whereas Jagdish and Rajesh sons of Umed gave iron rod blows on legs of Ramesh; Joginder son of Ramesh gave iron rod blows on left and right hands of brother of complainant; Mandeep @ Jehri son of Dayanand armed with iron rod, Sonu, Kapil, Dashrath and Sanjay armed with iron bara (Saria) had caused injuries to Ramesh; when the complainant, Bijender and Jai Singh raised alarm, then all the assailants ran away from the spot along with their respective weapons in Scorpio vehicle having registration No.HR31L/5345 and two motorcycles towards the village; Ramesh injured was shifted to Bal Dharmarth Hospital, Jind, however, on 1.6.2018, he was referred to Hisar and he was taken to Sapra Hospital, Hisar; Ramesh succumbed to the injuries suffered by him on 12.6.2018 at Sapra Hospital, Hisar. All the accused were arrested in this case.

Kapil Mor, a juvenile had filed bail application under Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the Act) before Juvenile Justice Board, Hisar, which was however dismissed vide order dated 29.1.2020. Kapil Mor had challenged that order before the Court of Sessions at Hisar by filing an appeal under Section 101(1) of the Act. Such appeal was dismissed by

learned Additional Sessions Judge, Hisar vide order dated 5.6.2020. As such, Kapil Mor has knocked at the door of this Court by way of filing the present revision petition, which is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

It may be mentioned here that Principal Magistrate, Juvenile Justice Board, Hisar had declined the request for bail vide a detailed and well reasoned order. The operative part of the order runs as follows:

3. *As per reply, juvenile in conflict with law is also involved in another case bearing FIR No.78 dated 01.6.2018 under Sections 148, 149, 323, 302, 120-B of Indian Penal Code. The applicant/juvenile (conflict with law) is apparently involved in two cases which bear the allegations under Section 302 of Indian Penal Code. Although, Section 12 of Juvenile Justice Act Mandates the release of juvenile irrespective of the gravity of the offence but in the present matter which appears that if he is released on bail in this case, then there is apparent danger of his exposure to physical endanger, social and moral danger. Further, there is an apprehension that juvenile in conflict with law may pressurize to prosecution witnesses and his releasing of bail may frustrate the interest of justice. Hence, he is not entitled to concession of bail at this stage. Therefore, bail application of juvenile Kapil is hereby dismissed.*

Learned Additional Sessions Judge, Hisar disposing of the

appeal is also shown to have taken into consideration the relevant facts and circumstances besides the law on the subject while dismissing the appeal. The relevant part of the judgment is as follows:

7. The allegations against the child-in-conflict with law are that he alongwith co-accused inflicted injuries to deceased Ramesh resulting into his death. Besides the present case, child-in-conflict with law is also facing trial in case FIR No. 78 dated 01.06.2018 under Sections 148, 149, 323, 452, 302, 216, 120B IPC, police-station Bass which is pending for trial before this court. Thus, if the child-in-conflict with law is released on bail, there is likelihood of his coming into association of known criminals and shall expose him to moral, physical and psychological danger and his release would also defeat ends of justice. Thus, I find no reason to differ with the learned Juvenile Justice Board, Hisar. The appeal thus, stands dismissed.

The impugned orders/judgments passed by the Courts below are detailed and well reasoned. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse and not otherwise. The impugned orders/judgments do not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The orders are certainly not perverse or passed in an arbitrary manner.

There is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

Finding no merit in the revision petition, the same stands dismissed.

7.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No