

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1047 of 2020

Date of Decision : 12.10.2020

Arun Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Bakshi, Advocate
for the petitioner.

Mr. Safia Gupta, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Custody certificate filed by the learned State counsel is taken
on record.

In the present petition, order dated 27.11.2019 passed by the
Juvenile Justice Board, Yamuna Nagar is under challenge, by which the bail
application filed by the juvenile i.e. petitioner herein has been declined.

As per the allegations, the petitioner, who is a minor, allegedly
fathered a child with the prosecutrix, who was also minor being 14 years
old. The factum of relationship between the petitioner and the prosecutrix
only became known after the prosecutrix delivered a child and left the said
child in a park, which ultimately resulted in the death of the child. Keeping
in view the investigations done thereafter, the petitioner was found to have

fathered the said child with the minor prosecutrix.

Learned counsel for the petitioner argues that the petitioner is already in the protective custody for the last one year and his bail application has been rejected by the Juvenile Justice Board, Yamuna Nagar on the ground that in case, the petitioner is enlarged on bail, it will expose the petitioner to moral, physical and psychological danger as after the release, the petitioner is likely to mingle with the known criminals. Learned counsel for the petitioner further argues that the said findings have been recorded without there being any evidence to the said effect, therefore, the petitioner be released on bail.

Learned State counsel submits that the order dated 27.11.2019, which has been passed by the Juvenile Justice Board, Yamuna Nagar is in fact for the well being of the petitioner, who is being kept away from the criminals for his own benefit.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Nothing has been produced on record to show that the petitioner ever indulged in any activity violating the law except for the action, for which, he is being tried now. In the absence of any complaint or any fact, which connect the petitioner with any criminal activity, the findings which have been recorded by the Juvenile Justice Board, Yamuna Nagar vide order dated 27.11.2019, are without any basis.

Keeping in view the facts and circumstances of this case, as nothing has been presented before this Court to prima facie show that after the release, the petitioner will mingle with the other criminals or will suffer psychologically & physically, the prayer of the petitioner is allowed and he

is directed to be released on bail subject to the conditions, to be imposed upon the petitioner by the Juvenile Justice Board, Yamuna Nagar.

Petition stands allowed in the above terms.

October 12, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

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