

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

(Proceedings conducted through video conferencing)

CRR No.1055 of 2020(O&M)

Date of decision: 11.8.2020

Akshay @ Chhotu through his father MahipalPetitioner

VERSUS

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vishwajeet, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 13.07.2020 passed by the Additional Sessions Judge, Special Court, Kaithal whereby application of the petitioner (juvenile in conflict with law) for condoning delay of 184 days in filing the appeal against order dated 28.11.2019 passed by the Principal Magistrate, Juvenile Justice Board, Kaithal (in short 'the Board') rejecting application for grant of bail has been dismissed and as a consequence, the appeal has been dismissed being time barred.

Counsel for the petitioner would argue that a serious prejudice shall be caused to the petitioner in case the appeal preferred by him is not decided on merits. It is further submitted that no prejudice has been caused to the respondent-State or someone else even in case there was some delay in filing the appeal. It is further argued that in view of the provisions of

Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (in short 'the Act'), grant of bail to a juvenile in conflict with law is a rule and non-grant an exception only if the case falls within the ambit of proviso appended to Section 12(1) of the Act. It is prayed that the order impugned may be set aside and the matter be remitted to the Appellate Court for decision of appeal afresh, on merits of the case.

Counsel representing State of Haryana has got no objection in case the matter is remitted to the Court below for decision of appeal on merits.

Taking into consideration the object of the Act, enacted with an intent to provide protection to juveniles in conflict with law coupled with the provisions of Section 12(1) thereof and concession recorded by counsel representing State of Haryana, interest of justice commands that order impugned is set aside and the matter is remitted to the Appellate Court for decision of appeal on merits. In this view of the matter, order impugned is set aside. The matter is remitted to the Appellate Court/Additional Sessions Judge (on duty) for decision of the appeal on merits within a period of one month from the receipt of certified copy of order.

Disposed of accordingly.

AUGUST 11, 2020

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no