

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

(Heard through VC)

CRR No.1117 of 2020 (O&M)

Date of Decision: September 04, 2020

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Navneet Jindal, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a criminal revision that has been filed seeking to challenge the order dated 22.06.2020 passed by the Addl. Sessions Judge, Sirsa, in appeal as well as order dated 04.06.2020 passed by the Principal Magistrate, Juvenile Justice Board, Sirsa whereby, the bail has been declined to the petitioner.

Notice of motion.

At this stage, through the medium of video conferencing, Ms. Deepshikha Chauhan, AAG Haryana, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner contends that the petitioner herein was sent to protective custody in the aforesaid FIR. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that investigation is complete, as the challan has already been

presented and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail. In support of his arguments, counsel relied upon judgments rendered in ***Ramesh alias Meshu vs. State of Haryana, 2005(1) RCR (Criminal) 65, Sham Lal and another vs. State of Haryana, 2004(4) RCR (Criminal) 368*** and ***Vijay Kumar @ Chhotu (minor) through his mother vs. State of Punjab, 2016(5) RCR (Criminal) 897.***

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigation Officer opposes the grant of bail to the petitioner, while submitting that the allegations levelled against the petitioner are serious in nature. However, she does not dispute the fact that investigation is complete and the challan has already been presented.

I have heard learned counsel for the parties and have gone through the pleadings of the case and the impugned orders, so passed.

A reading of Section 12 of the Act makes it clear that bail ought to be allowed to the juvenile irrespective of the nature or gravity of the offence, alleged to have been committed by him and the same can be declined only in the case where reasonable grounds are there for believing that the release is likely to bring him into the association of any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. In other words, a juvenile can be denied the concession of bail, if any of the three essentialities as mentioned under Section 12(1) of the Act is available.

Counsel for the respondent-State has failed to point out any of the three essentialities as envisaged under Section 12(1) of the Act in the

present case. Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in protective custody and that investigation is complete, as the challan has already been presented, no useful purpose would be served in keeping the petitioner behind the bars. At this stage, without commenting on the merits of the case, the instant criminal revision is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond by his natural guardian or near relative to the satisfaction of concerned Principal Magistrate, Juvenile Justice Board, Sirsa.

However, anything observed or said by this court is only for the purpose of deciding the instant criminal revision for grant of regular bail and the same shall have no affect on the merits of the case.

September 04, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No