

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

216

**CRM-M-28533-2020
Date of decision: 05.11.2020**

Aarif

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.42 dated 31.01.2015 registered under Sections 379 and 411 of the Indian Penal Code, 1860 (for short, 'the IPC') at Police Station Tauru, District Mewat.

This Court, vide order dated 18.09.2020 while issuing notice of motion, had granted interim anticipatory bail to the petitioner with direction to appear and join the proceedings before the Juvenile Justice Board, Nuh.

The petition has been opposed by learned State counsel in terms of reply by way of affidavit of Surinder Singh, HPS, Deputy Superintendent of Police, Tauru, District Nuh.

I have heard learned Counsel for the petitioner as well as

learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was juvenile at the time of registration of FIR and was granted the concession of regular bail. The petitioner was turned out of his house by his parents and could not join the court proceedings. In compliance with order dated 18.09.2020 the petitioner has appeared before the Juvenile Justice Board, Nuh and has been released on interim bail.

Learned State Counsel has vehemently opposed the petition and submitted that the petitioner absented without any reasonable excuse and misused the concession of bail. The petitioner is not entitled to grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has admitted that in compliance with order dated 18.09.2020, the petitioner has appeared before the Juvenile Justice Board, Nuh and has been released on interim bail.

Keeping in view the facts and circumstances of the case and the cause of absence as well as the explanation for absence furnished by the petitioner and the beneficial provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

Therefore, the petition is allowed and interim order dated 18.09.2020 granting interim bail to the petitioner is made absolute.

However, the trial Court shall be at liberty to initiate

proceedings under Section 446 of the Cr.P.C. against the petitioner for realization of amount of personal bond furnished by him, which stood forfeited on his non-appearance and also against his surety in accordance with law.

05.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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