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

CRA-S-3524-2019

Date of decision: 28.01.2020

Rohit through his father

...Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Ramesh Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present appeal has been filed by the appellant- Rohit, challenging the impugned order dated 18.11.2019, passed by learned Additional Sessions Judge, Faridabad, vide which his bail application was dismissed, who has been ordered to be tried as a juvenile in FIR No. 409, dated 10.09.2019 under Sections 148, 149, 302, 307 of IPC and 25 Arms Act registered at Police Station Dabua Colony, Faridabad.

Learned counsel for the appellant states that the appellant though undisputedly is a juvenile and his name is not in the FIR. In the supplementary statement recorded on 03.10.2019, the complainant has again named some of the accused but has not named the appellant. It is only on the disclosure statement dated 12.09.2019 of co-accused Sunil where the name of the appellant has been mentioned but in that also, he has been shown sitting on one side and no role has been attributed to him. As per learned counsel for the appellant, the bail application has been declined on the ground that if he is released on bail, it is likely to bring him in the association of known criminal which would defeat the ends of justice.

In support of his contention, counsel for the appellant has placed reliance upon the judgments passed by this Court in case titled as '**Ravi Vs. State of Haryana, 2017 (4) Law Herald 3511, 'Neha Vs.**

State of Punjab' 2018(2) R.C.R. (Criminal) 226 and 'Happy Vs. State of Haryana' 2019 (1) R.C.R. (Criminal) 526.

Learned State counsel states that recovery of one stick has been effected from the appellant and out of 28 witnesses, three have been examined and appellant has been in custody since 13.09.2019.

Heard.

In view of the above, I find that as per Section 12 of the Juvenile and Justice (Care and Protection of Children) Act, 2015 (here in after Act), the Court is not to see the nature and gravity of the offence. The fact that learned Additional Sessions Judge has not given any reasoning that if the accused is released on bail, then he will come into association with other criminals and how it would defeat the ends of justice. In these circumstances, if the bail is not granted to the juvenile, then the very purpose of incorporating Section 12 of the Act would be frustrated.

In view of the above, I find merit in the present appeal and the same is allowed. The impugned order dated 18.11.2019 passed by learned Additional Sessions Judge, Faridabad is set aside. Accordingly, the appellant-Rohit is ordered to be released on bail to the satisfaction of the lower Court, Faridabad.

(HARNARESH SINGH GILL)
JUDGE

28.01.2020

Mehak

Whether reasoned/speaking?	Yes
Whether reportable?	No