

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

CRR-18-2021 (O&M)
Date of decision: 13.01.2021

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Dr. A.K. Bishnoi, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

The FIR in question was lodged at the instance of complainant Vikram son of Jaswant Singh, resident of Baijalpur, District Fatehabad, who in the statement got recorded by him with the police narrated that on 22.04.2020, at about 06.30 PM, while he was going from his dhani towards Dehman petrol pump on his motorcycle, make Splendor, having registration No.HR22-G-7019 with Karamvir Singh as a pillion rider, two motorcycles having two riders with their faces muffled came from behind; one of the motorcycles overtook their motorcycle, whereas, the other motorcycle intercepted them and the pillion rider on the motorcycle fired several shots at complainant with an intention to kill; resultantly, he suffered fire arm injury on the calf of

his left leg, near the knee of right leg and near his left shoulder; during the course of incident, face of assailant who was firing got uncovered and complainant identified as Amit son of Krishan Kumar, resident of Baijalpur, who was already acquainted with him; Karamvir Singh had also received a bullet injury and when people started gathering at the spot, the assailants gave kick blows to the the complainant and fled away from the spot, holding out threats that getting an opportunity, the complainant would be done to death; the injured were taken to hospital, where they were medically treated and medico-legally examined; formal FIR No.132 dated 23.04.2020, for offences under Sections 323, 341, 506, 307, 34 IPC and Section 25 of Arms Act, registered at Police Station Bhuna; the investigation in the case started; the petitioner was arrested in this case on 03.05.2020; he was found to be a juvenile and his case was referred to Principal Magistrate, Juvenile Justice Board, Fatehabad (for short 'the Board'), where he moved an application for bail, which was dismissed, vide order dated 08.06.2020 with the observations that juvenile-in-conflict with law had come in association of the known criminals, taking part in the planned attempt to murder the complainant, which was an act of great moral degradation and his release would defeat the ends of justice.

Feeling aggrieved by the said order, the juvenile-in-conflict with law filed an appeal before the Court of Sessions, which was assigned to Addl. Sessions Judge, Fatehabad (for brevity 'ASJ,

Fatehabad'), who vide order dated 15.07.2020, dismissed the same.

Feeling dissatisfied with the orders passed by both the Courts below, the juvenile-in-conflict with law had approached this Court, by way of filing a revision petition bearing No.CRR-1068-2020, which was dismissed, vide detailed order dated 25.08.2020. Copy of that order has been attached as Annexure P2.

Petitioner Amit had filed another application for bail before the Board, which was dismissed, vide order dated 02.11.2020. He had challenged that order by filing an appeal, which was assigned to ASJ, Fatehabad, who vide order dated 17.12.2020, dismissed the same.

Now, he has again knocked at the door of this Court, by way of filing the instant revision petition, challenging the orders passed by the Courts below.

I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is doomed for failure. While the first application for bail had been filed by the applicant before the Board at Fatehabad, it had been dismissed, making observations to the effect that the juvenile-in-conflict with law had come in association of the known criminals and had participated in the planned attempt to murder the complainant, which was an act of great moral degradation and his release would defeat the ends of justice. In appeal, learned ASJ, Fatehabad has affirmed the order passed by the

Board. It was observed that grant of bail to the appellant/juvenile would defeat the ends of justice. Both the orders were upheld by this Court, dismissing the revision petition on 25.08.2020.

The juvenile-in-conflict with law has started another round of litigation by filing second application for bail before the Board when it was dismissed; again challenging it before the Court of Sessions at Fatehabad by way of filing an appeal, which was also dismissed; then coming to this Court again. With no apparent change in circumstances, the petitioner/accused has started the second round of litigation. Once the Board had come to the conclusion that juvenile-in-conflict with law had come in association of the known criminals, taking part in the planned attempt to murder the complainant, which was an act of great moral degradation and his release would defeat the ends of justice with Court of Sessions, observing that grant of bail to appellant/juvenile would defeat the ends of justice, such orders having been upheld by this Court by dismissing the revision petition of juvenile-in-conflict with law, moving of similar application again without any justifiable reason and apparent change in circumstances is uncalled for. The orders passed by the Board on the second application for bail and by ASJ, Fatehabad, dismissing the appeal, which have been impugned in the revision petition do not suffer from any illegality or infirmity, which might have called for interference by this Court while exercising the revisional jurisdiction. There is absolutely no merit in

the revision petition. The same stand dismissed accordingly.

It is observed that in view of the observations above, if the juvenile-in-conflict with law starts another round of litigation by moving another application before the Board without there being any apparent and substantial change in circumstances and for justifiable reason, the Board may dismiss the same in a summary manner, referring to the earlier orders and if such order is challenged in appeal before the Court of Sessions, such Court may referring to by the earlier orders passed, dispose of the same summarily. In case, the juvenile-in-conflict with law challenge those orders by way of filing revision petition again, the same would be liable to be dismissed with exemplary costs.

13.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No