

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

CRR No.63 of 2021

Date of Decision : 22.03.2021

Saurabh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Atul Prataap Dhankhar, Advocate for
Mr. Bijender S. Dhankhar, Advocate
for the Petitioner.

Mr. Vishal Malik, Dy. Advocate General, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition has been preferred against the impugned order dated 29th December, 2020 passed by the Ld. Additional Sessions Judge, Sonipat vide which the appeal preferred on behalf of the Petitioner who is a juvenile, against the previous order dated 8th December, 2020 passed by the Ld. Principal Magistrate, Juvenile Justice Board, Sonipat seeking release of the Petitioner on bail, was dismissed.

2. Submission of Ld. Counsel for the Petitioner is that both the Ld. Courts below have simply referred to and reproduced the statutory provisions mechanically without examining whether or not the case of the Petitioner is actually covered by the aforesaid restrictions.

3. Attention of the Court has first of all been drawn to Section 12(1) of the Juvenile Justice Act which provides that when any person who is apparently a child is apprehended or detained by the Police, in connection

with any bailable or non-bailable offence, he is to be released on bail except under specified circumstances which are mentioned in Proviso 1 and are set out as below :-

“...Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.”

4. Now perusal of both the impugned orders passed by the Ld. Courts below go to indicate that there is no mention whatsoever as to what was the material on the basis of which they were of the opinion that the Petitioner was liable to be exposed to moral, physical and psychological danger.

5. In the case of '**Ashish Masih @ Ashu vs. State of Punjab**', **2020(3) R.C.R.(Criminal) 135**, this Court has observed that a mechanical reproduction of the legal provisions in rejecting the bail application of a juvenile does not sub-serve the ends of justice.

6. The Petitioner by now has already remained in detention for almost eight months since 25th July, 2020.

7. No tangible explanation has been forthcoming in both the impugned orders as to how or in what manner the Petitioner, if released on

bail would be exposed to moral, physical or psychological danger.

8. In the circumstances, the Criminal Revision Petition is allowed and considering the long detention already suffered by the Petitioner, who is a juvenile, at this stage, is ordered to be released on bail to the satisfaction of the Juvenile Justice Board/Duty Magistrate concerned.

March 22, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No