

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CRR-90-2021 (O&M)
Date of decision:- 23.09.2021

Raj Kumar @ Gandasa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harinder Pal Singh Ishar, Advocate
for the applicant-petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-16226-2021

Counsel for the applicant-petitioner submits that the application
has become infructuous.

Dismissed as having been rendered infructuous.

CRR-90-2021

Instant revision petition has been filed seeking setting aside of
order dated 15.10.2020 passed by the Court of Additional Sessions Judge,
Fatehabad whereby the Appellate Court has dismissed the appeal of the
petitioner, who is a child in conflict with law, and affirmed the order dated
24.09.2020 passed by the Principal Magistrate, Juvenile Justice Board,
Fatehabad (for short "the J.J. Board"), whereby petitioner's application under
Section 12 of the Juvenile Justice (Care and Protection of Children) Act,

2015 (for brevity “the J.J. Act”) for grant of bail in FIR No.190 dated 13.08.2020 registered for offence under Sections 323, 341, 506, 34, 394 and 511 of the Indian Penal Code, 1860 at Police Station City Ratia, District Fatehabad, has been rejected.

Counsel for the petitioner submits that the FIR has been registered against the petitioner on the complaint of Ram Niwas wherein it has been alleged that on 05.08.2020 at 11:30 P.M., when he was going towards his agricultural fields on his scooty, he was followed by four persons, who were riding a motorcycle, they forcibly stopped his scooty, inflicted injuries upon him with sharpened edged weapons and wooden sticks and when he tried to flee, they threatened to kill him and attempted to snatch his scooty. Counsel urges that the petitioner is a juvenile and in terms of the provisions of Section 12 of the J.J. Act, the petitioner, who has been falsely implicated, is entitled to bail as a matter of right. Relying upon the judgment passed by this Court in *Vishvas versus State of Punjab 2021 (2) RCR (Crl.) 207*, which has been followed in *CRR-233-2021 titled as “Vishnu versus State of Haryana” decided on 02.06.2021*, he contends that report of Probation Officer prepared under Section 13 of the J.J. Act has not been taken notice of by both the Courts below.

Opposing the petition, learned State counsel has argued that the allegations against the petitioner are of a serious nature as the petitioner along with the co-accused tried to commit robbery while causing injuries on the complainant and the petitioner, who is involved in two other cases of dacoity, does not deserve the concession of bail.

I have considered the arguments addressed by the counsel for the parties.

In Vishvas's case (supra), this Court held that it is an incumbent upon the J.J. Board to take into consideration the Social Investigation Report prepared by the Probation Officer and make an objective assessment of the grounds while adjudicating the application of a child in conflict with law filed under Section 12 of the J.J. Act. An examination of the impugned order passed by the J.J. Board shows that the same has been passed even before the said Report was prepared. As it is necessary for the Courts to take the Social Investigation Report into account, the impugned orders passed by both the Courts below cannot be sustained and deserve to be set aside.

Impugned order dated 24.09.2020 passed by the J.J. Board and the appellate order dated 15.10.2020 passed by the learned Additional Sessions Judge are set aside and the matter is remitted back to the J.J. Board, Fatehabad to decide the same afresh, on merits, by taking into consideration the Social Investigation Report and other relevant material in view of the law laid down by this Court in Vishvas's case (supra).

Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

23.09.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No