

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

Criminal Revision No.781 of 2021(O&M)

Date of Decision: September 06, 2021

Praveen		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sudhir Rana, Advocate for the petitioner.

Mr.Surender Kumar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

Praveen, the child in conflict with law has filed this petition through his sister, challenging the order dated 01.07.2021 passed by Principal Magistrate, Juvenile Justice Board, Rewari, declining bail to him. Challenge is also to the order dated 08.07.2021 of the Additional Sessions Judge, Rewari, dismissing appeal of the petitioner.

The petitioner is facing trial in case FIR No.02 dated 02.01.2021 under Sections 379B, 420, 201 IPC, registered at Police Station Khol, District Rewari.

The allegations in the FIR are that 5-6 persons came in a Wagon R car and got stopped the Scorpio vehicle of the complainant. They caused Lathi and Danda blows to the complainant and snatched his Scorpio Car bearing No.HR61A-2022. Later, during investigation, the petitioner, a child- in- conflict with law was found to be involved in the crime.

Ld. Counsel for the petitioner has argued that the petitioner is a minor. His parents have already died and he is being looked after by his

elder sister. It is also stated that the investigation in the case is complete and challan has been presented before the Juvenile Justice Board. The juvenile is behind bars since 29.01.2021.

His application for bail was dismissed by the Ld. Principal Magistrate, Juvenile Justice Board, Rewari vide order dated 01.07.2021 with the observation that the child- in- conflict with law suffers from parental neglect. In view of the same, there appears reasonable grounds for believing that the release of child- in- conflict with law on bail would expose him to moral, physical or psychological danger and thus, his release would defeat the ends of justice. The JJB also recorded that in the Social Investigation Report submitted by the Probation Officer, it was stated that the child-in-conflict with law may have committed the act alleged against him. The report further mentioned that five other cases are registered against him. It was suggested that the petitioner should be counselled and encouraged for social and moral ethics of the Society as also motivated for vocational training, which is not possible if he is released on bail. The Ld. Additional Sessions Judge also declined him bail vide order dated 08.07.2021 with the same observations.

Section 12 of the Juvenile Justice Board (Care and Protection) Act, 2015 provides that the moment a juvenile is arrested or detained or brought before the Board, ordinarily such juvenile should be released on bail, with or without sureties or should be placed under the supervision of a Probation Officer or under the care of fit institution or fit person and if he is not released, then he will be kept in the Observation Home in the prescribed manner. Thus, Section 12 of the Act requires that ordinarily, the juvenile be granted bail, except when there are reasonable grounds for believing that his

release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

It is the categorical case of the petitioner that his parents have already died and he is being looked after by his sister. His sister Sapna has filed an affidavit (Annexure P-2) to this effect. She has also stated that if the child- in- conflict with law is released on bail, she will be looking after him for his betterment and she will make every effort for the future of her brother. She has also stated that she will also take care that the minor does not come in contact with any criminals or falls in wrong company.

The child-in-conflict with law is in custody since 29.01.2021. Investigation in the case is complete and challan has been presented before the Juvenile Justice Board.

Considering the facts and circumstances it appears to be fit case for granting bail to the petitioner.

Accordingly, this petition is allowed. The petitioner is directed to be released on bail on furnishing of bail bonds and sureties by his sister Sapna to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Rewari/Duty Magistrate concerned. The sister of the petitioner shall also file affidavit that during trial the petitioner will remain in her custody and not be permitted to associate with any criminal or anti-social elements.

September 06, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No