

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-1278-2020 (O&M)
Date of Decision:-18.1.2021

Gurvinder @ Bobby ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetinder Singh Ahluwalia, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Surinder Kumar.

Mr. Pankaj Bali, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 16.11.2020 vide which an appeal filed by the petitioner challenging order dated 28.10.2020 declining bail, passed by learned Principal Magistrate, Juvenile Justice (Care and Protection of Children) Act, 2000, Karnal, has been dismissed by learned Additional Sessions Judge, Karnal.
2. The allegations, in nutshell, are that in a scuffle Gandhi (co-accused) gave a blow with 'sua' (bodkin) in the waist of Ujjwal (complainant) while another accused Gurvinder @ Bobby (petitioner) gave fist blows on the chest of

complainant. When the complainant's brother Prajwal tried to rescue him then Gurvinder @ Bobby and his cousin Prince caught hold of complainant's brother Prajwal while Ajay @ Kaka and co-accused Gandhi gave blows with their respective bodkins to complainant's brother. It is further the case of prosecution that although complainant's brother was rushed to hospital but he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that the petitioner is a juvenile, who was aged about 16 years and 3 months as on the date of occurrence and does not have any chequered history. It has further been submitted that even as per the FIR the petitioner was unarmed and the only role attributed to him is that he had caught hold of complainant's brother while the co-accused gave blows with their respective bodkins. It has been submitted that in view of the specific provisions of Section 12 of Juvenile Justice Act, the petitioner deserves to be released on bail.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since specific and categoric allegations have been levelled against the petitioner, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was not armed with any weapon and the role attributed to him is that he had caught hold of the complainant's brother while the co-accused gave blows with bodkin and particularly the fact that the petitioner is a juvenile, the petitioner deserves to be released on bail. The petition, as such, is accepted. The impugned order dated 16.11.2020 passed by learned Additional Sessions Judge, Karnal and order

dated 28.10.2020 passed by learned Principal Magistrate, Juvenile Justice (Care and Protection of Children) Act, 2000, Karnal are hereby set aside. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and subject to his surrendering passport to Court at the time of furnishing bail bonds.

7. It is further ordered that the petitioner's family shall keep a constant watch on the petitioner so as to ensure that he does not indulge in any such act again.

18.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No