

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

**Criminal Revision No.1287 of 2020 (O&M)
Date of Decision: August 06, 2021**

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Balkar Singh, Advocate
for the petitioner.

Mr.Vikas Malik, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

By filing this revision, the petitioner Rohit, juvenile in conflict with law, has challenged the order dated 02.07.2021 passed by the Principal Magistrate, Juvenile Justice Board, Sonipat whereby his application for bail under Section 12 of the Juvenile Justice (Care and Protection of Children Act) 2015 (for short “the Act”) has been dismissed. He has also assailed the order dated 10.07.2020 passed by the Additional Sessions Judge, Sonipat whereby his appeal has been dismissed.

On the complaint of one Balraj resident of village Badwasni, FIR No.479 dated 23.08.2018 was registered under Section 365 IPC at Police Station Sadar Sonipat. He stated that on 18.08.2018 at about 7.00 PM, his son Hardeep aged about 17 years 06 months had gone from home to meet his friend. He did not return. The complainant lodged complaint that some unknown persons had kidnapped his son.

As per the status report filed on behalf of the State, during investigation, dead body of the missing child was found in Bawana Canal, Haiderpur Water Treatment. The complainant identified the dead body in Baba Saheb Ambedkar Hospital, Delhi on 28.08.2018 as that of his son. There were injuries with knife on his stomach, chest, neck, head and waist. The complainant made a supplementary statement on 28.08.2018 stating that he had come to know that in the evening of 18.08.2018, the petitioner and Sunny son of Ramesh, both residents of village Barwasani, Sonipat had consumed liquor with his son while sitting at the berm of Mehlna minor. Thereafter they caused injuries to his son Hardeep by stabbing him with knife. After murdering his son they threw his dead body in Munak Canal. He further stated that about one and half month earlier an altercation had taken place between the deceased, petitioner and Sunny. Because of this grudge they had murdered his son. During investigation, on 29.08.2018, the petitioner and Sunny, juveniles were taken into protective custody. They suffered disclosure statements and admitted their guilt.

After noticing that as per the allegations the petitioner along with his co-accused Sunny had committed the murder of Hardeep, the son of the complainant and that the motorcycle used in the incident had been recovered from the petitioner, the Ld. Principal Magistrate Juvenile Justice Board declined bail to the petitioner holding that from the nature of the allegations it appeared that the petitioner had criminal proclivities. If he were released from protective custody he may again go back to the same environment and be exposed to moral and psychological danger. He may also be exposed to danger at the hands of the opposite party. The Ld

Grant of bail to a juvenile is governed by Section 12 of the Act. From a bare reading of this section it is manifest that a juvenile can be denied bail only if there are reasonable grounds for believing that his release is likely to bring the juvenile 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 well settled that the nature or gravity of the offence alleged to have been committed by the juvenile cannot be a ground to deny bail to him. Further, bail can only be denied if there is some material before the competent authority to justify the denial of bail on the grounds mentioned in Section 12 of the Act.

The petitioner has been in custody since 29.08.2018.

In the present case there is no material on record for denial of bail on any of the aforesaid grounds. The impugned orders therefore cannot be sustained and are set aside.

Hence, the petition is allowed. The petitioner is directed to be released on bail subject to his furnishing bail bond/surety bonds through his natural guardian or other near relative to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Sonipat.

August 06, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No