

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR No.141 of 2022 (O&M)

Date of Decision.18.02.2022

Suraj

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

:-

JAISHREE THAKUR J. (ORAL)

This is a revision petition that has been filed challenging the impugned order dated 01.12.2021 passed by the Principal Magistrate, Juvenile Justice Board, Panipat whereby the bail application of the petitioner in FIR No.525 dated 23.08.2021 under Sections 379-B, 34 and 506 IPC (Sections 201, 394, 411 IPC added later on and Section 379-B deleted) has been dismissed and the appeal preferred against the same has also been dismissed vide order dated 13.12.2021 passed by the Additional Sessions Judge, Panipat.

Learned counsel appearing for the petitioner while praying for grant of regular bail to the petitioner would contend false implication by arguing that no recovery has been effected from him and there is delay of one day in registration of the FIR. The petitioner herein is in custody since 24.09.2021 and being a juvenile, he is entitled to bail as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending that the order passed by the Principal Magistrate, JJ Board, Panipat is well reasoned wherein it has been observed that there are high chances of petitioner being exposed to social, moral, physical and psychological danger.

I have heard learned counsel for the parties and have perused the paper book as well as reply filed by the respondent-State along with social investigation report. As per the social enquiry report submitted by the Probation Officer, Panipat, the petitioner herein is studied upto 10th class and was residing with his parents, who earn their livelihood by doing labour work. It is also mentioned in the said report that minor was having a good status, however, during the period of lock down, he fell into bad company. It is nowhere reflected either in the social enquiry report or the order passed by the Juvenile Justice Board, Panipat as to how and in what manner, there are chances of juvenile being exposed to social, moral, physical or psychological danger or his release would defeat the ends of justice. Rather in the social investigation report, attitude of the child towards friends has been shown normal and observations of neighbours towards the child are written as positive. In question at point No.39 i.e. whether the child is used by any gangs or adults or group of adults or has been used for drug peddling, the answer is in negative. Therefore, keeping in view the fact that the petitioner herein is in custody since 24.09.2021 and taking into consideration the social investigation report, the impugned orders are set aside. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds of Rs.25,000/- each to the satisfaction of concerned Principal Magistrate,

Juvenile Justice Board. However, any observation made herein shall not be construed to be an expression on merits of the case.

February 18, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No