

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

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CRR-342-2022

Date of Decision : **February 28, 2022**

RAHUL ALIAS SONU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
Through Video Conferencing

Present : Mr. Devender Arya, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present revision petition has been filed impugning the orders passed by the learned Principal Magistrate, Juvenile Justice Board, Narnaul dated 27.1.2022 as well as the order passed by learned Additional Sessions Judge, Narnaul dated 4.2.2022 whereby the appeal filed by the petitioner for the grant of bail was dismissed.

The learned counsel for the petitioner has submitted that the petitioner is a juvenile and is being tried as a juvenile by the Juvenile Justice Board, Narnaul and there were other two accused, who are being tried separately and they are adult, namely, Mukesh and Dharambir @ Dhakad. He has further submitted that both the aforesaid two accused have since granted bail by this Court vide Annexures P-4 and P-5. He submitted that so far as the petitioner is concerned, he is being tried by the Juvenile Justice Board, Narnaul and he has already undergone one year, eleven months and seventeen days and the maximum sentence under the Juvenile Justice (Care and Protection of Children) Act, 2015 is three

years. He has further submitted that even otherwise also as per the FIR, vague allegations have been levelled against the petitioner and the other co-accused that the deceased-Baba was killed by them. He submitted that neither any motive is attached to the same nor any other sufficient material is available in this regard. He has further submitted that apart from the same, a perusal of the orders passed by the learned Juvenile Justice Board, Narnaul and also the learned Additional Sessions Judge, Narnaul would suggest that the parameters contained under the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has not been considered in a right perspective. He submitted that under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 bail is a matter of right and denial is an exception. He further submitted that the purpose of denial of bail to a child in conflict with law has to be ascertained on the basis of the parameters provided in the proviso. He submitted that it has been mentioned in the impugned order of the Juvenile Justice Board, Narnaul that as per the SIR report, there is a possibility that the petitioner may get affected by the peer group but there is no material in support of the same and the reasoning given by the Juvenile Justice Board, Narnaul is totally vague. He further submitted that so far as the order passed by learned Additional Sessions Judge, Narnaul in appeal is concerned, he has not even considered the effect of the proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He submitted that considering the custody of the petitioner, he may be considered for the grant of concession of regular bail.

On the other hand, the learned State counsel has submitted that so far as the grant of bail to the other co-accused who are being tried as an adult by a separate Court is concerned, they have been granted bail by this Court vide Annexures P-4 and P-5 respectively. He has further submitted that it is correct that the custody of the petitioner who is child in conflict with law is one year, eleven months and seventeen days and the total sentence under the Juvenile Justice (Care and Protection of Children) Act is three years.

I have heard the learned counsels for the parties.

The reasoning given by the learned Courts below is not supported by any cogent reason for depriving the bail to the petitioner. The petitioner is conferred with a right under Section 12 of the Juvenile Justice (Care and Protection of Children) Act for the grant of bail unless there are strong reasons to make an exception for the purpose of denial of bail.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate/Board.

February 28, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No