

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

**CRM-M-17628 of 2022(O&M)
Date of Decision:- 24.05.2022**

Ritu

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.153 dated 25.06.2021 registered under Sections 323, 324, 307, 302, 326, 506, 34 IPC, Police Station Chhachrauli, District Yamunanagar.

The FIR in the case was registered on the basis of statement of Bhopal Singh, as per which on 25.06.2021 when he reached near house of his brother Ram Lal, his brother Ram Lal started abusing him and on hearing the noise his son Kuldeep also reached there, followed by Kusum Lata wife of complainant, in the

meantime, Ram Lal came out of his house carrying gandasi and gave its blow on the head of Kuldeep, while son of Ram Lal armed with danda also came there and they dragged Kuldeep inside the house of Ram Lal. In the meantime, Narpal brother of complainant also reached there and they tried to save Kuldeep. In the meantime, Sunita wife of Ram Lal and Ritu daughter of Ram Lal armed with danda also reached there. Ram Lal gave gandasi blow on the person of Narpal, while Sandeep son of Ram Lal gave danda blows to the complainant, Sunita and Ritu also gave danda blows to Kusum Lata wife of complainant. Injured persons were taken to hospital, where Kuldeep died.

The counsel for the petitioner submits that the entire family of Ram Lal has been roped in including his minor children which also includes the present petitioner Ritu who was less than 18 years of age at the time of occurrence. The counsel further submits that even as per the allegations levelled in the FIR, the petitioner did not cause any injury to deceased Kuldeep. Only simple injury has been ascribed to the petitioner, as she gave danda blow on the person of Kusum Lata wife of complainant. The counsel further submits that the petitioner is in custody since 26.06.2021.

The State counsel has opposed the present petition and submitted that the petitioner who is a juvenile offender has been ordered to be treated as an adult for the purpose of trial vide order dated 13.10.2021 by the court concerned.

It is pertinent to mention that provision has been made under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'Act') that when any juvenile, who is accused of bailable or non bailable offence, is arrested or detained or is brought before a Board than irrespective of accusation, he shall be released on bail except when:

(1) There appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or

(2) That it will expose him to moral, physical or physiological danger or

(3) That his release would defeat the ends of justice.

As has been discussed above, no fatal injury on the person of deceased Kuldeep has been attributed to the petitioner. As per the State counsel now the petitioner is facing trial before the Children Court. It will take time for conclusion of the trial. This Court is of the view that the case of the petitioner is not covered under the exceptions carved out in Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015

In view of the above, I find that the petitioner is entitled to grant of regular bail. Accordingly, the present petition is allowed.

The juvenile namely Ritu (minor) daughter of Ram Lal, be released on bail. Admittedly, her father Ram Lal is also lodged in custody. So custody of the petitioner be given to her uncle Ravi

Chetri son of Tika Ram Chetri on his filing a personal bond and two sureties of the like amount to the satisfaction of the CJM/Children Court concerned with an undertaking that he being guardian/next friend shall keep the juvenile away from anti social and criminal elements and will look after her education, health and welfare as per the social status of the family and shall also give an undertaking that on being so released on bail, the juvenile will not indulge in commission of any crime and is also to ensure presence of the petitioner during the trial before the court concerned whenever so required by the said Court.

24.05.2022*P. Chawla***(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No