

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

CRR-1610 of 2022 (O&M)

DECIDED ON:10th August, 2022

**Juvenile in Conflict with law "A" (Name withheld)
though his father and natural guardian Kartar Singh.**

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ramesh Kumar Dhiman, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This criminal revision petition is filed seeking bail for Child-in-Conflict with Law (name withheld) in case of FIR No.202 dated 24.7.2021, under Section 302 IPC and Section 25 of Arms Act, 1959 registered at Police Station Sadar, Palwal.

As per the case set up on 24.7.2021, police received an information that Narender son of Mehar Chand was admitted in General Hospital, Palwal with the alleged history of sustaining injuries in a quarrel. The police party on reaching the hospital was informed that Narinder expired. Father of the deceased presented a complaint. It was alleged that on 24.7.2021, Narinder was coming back home after playing Volleyball. Child-in-Conflict with Law (CCL) called the deceased, two co-accused namely Sonu and Monu caught the deceased and CCL inflicted knife blows and thereafter fled away from the spot.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.7.2021. The contention is that the reason given for rejecting the prayer for bail was that the other party may harm the CCL as they are residents of the same village, is not sustainable reason. The CCL has his family to look after him.

Learned State counsel defends the order and submits a heinous crime was committed as the deceased lost his life due to injuries inflicted by the CCL and a knife was recovered from the petitioner.

Section 12 of the The Juvenile Justice (Care and Protection of Children), Act, 2015 (for short J.J. Act), is reproduced:-

Bail to a person who is apparently a child alleged to be in conflict with law.

(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the persons release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under subsection (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

As per Section 12 of the J.J. Act, the general rule is bail and bail is to be denied only in cases falling under exceptions provided in the Section.

In the present case, no reasons for bringing the case of the petitioner in exceptions carved out under Section 12 of J.J. Act has been made out.

Considering that the petitioner is in custody since 28.7.2021, petitioner is entitled the benefit of Section 12 of J.J. Act, and there is no material to bring the case within the ambit of exceptions provided in Section 12 of the J.J. Act, the criminal revision petition is allowed and the orders rejecting the bail and dismissing the appeal are set aside. The petitioner be released on bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is directed that parents of the petitioner shall regularly monitor the movement of the petitioner and also arrange for some counselling sessions of the petitioner so as to ensure that he does not indulge into any such offence again.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

10th August, 2022

reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>