

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

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(I) CRR-1389-2021 (O&M)

Chintu ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRR-1443-2021 (O&M)

Deepak ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 28.07.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anoop Kumar Yadav, Advocate, for the petitioner
in CRR-1389-2021.

Mr. Aditya Sanghi, Advocate, for the petitioner
in CRR-1443-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Sudhir.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid two revision petitions filed on behalf of Chintu and Deepak, challenging separate orders passed by the learned Additional Sessions Judge-cum-Presiding Officer, Children Court, Narnaul on 08.10.2021 and 28.10.2021 respectively, dismissing the appeals preferred by the petitioners against the orders dated 30.09.2021 and 22.10.2021 passed by the Juvenile Justice Board, Narnaul, whereby their applications seeking grant of bail arising out of FIR No.256 dated

22.07.2021 registered at Police Station Nangal Chaudhary under Sections 392/397 IPC had been dismissed.

2. The matters are being decided together, as both the petitions arise out of the same FIR and identical questions are involved.
3. The FIR in the present case was lodged at the instance of Rohtash, wherein it has been alleged that he is working as salesman at a petrol pump in the area of Village Banihari. It has been alleged that on the intervening night of 21/22.07.2021, 3 persons riding on a motor-cycle came at the petrol pump at about 2.45/2.50 AM and asked for refueling their motor-cycle. Since they do not refuel small vehicles during night, the complainant refused to refuel their motor-cycle and upon such the said persons left the petrol pump. However, shortly thereafter, the said persons again came back to the petrol pump and while one of them caught him from behind and brandished a pistol, the other forcibly snatched cash from his pocket, which was to the tune of Rs.12,254/-.
4. Learned counsel for the petitioners have submitted that they have falsely been implicated in the instant case and that there is no credible evidence to connect them with the alleged occurrence. It has further been submitted that the petitioners admittedly are juvenile and have a clean record. It has been submitted that the learned Additional Sessions Judge, Narnaul dismissed the appeals while observing that as per the 'Social Investigation Report', petitioners guardian have miserably been failed to exercise due diligence and control so as to protect the interest of their wards and that the petitioners were influenced of their peer group. It is

further observed therein that the petitioners need further cooling period. The relevant extract from the order dated 28.10.2021 passed in *Deepak's* case reads as follows:

“.....A perusal of the record of the Board reveals that ‘Social Investigation Report’ (in short SIR) has been received and at Sr.29 (sub-srl.No.iv) of the said report, it is clearly mentioned that juvenile in conflict with law/appellant is under the influence of peer group. Therefore, in view of the report (SIR) it appears from the conduct of appellant that his guardian has miserably been failed to exercise due diligence and control so as to protect the interest of his ward. It is the bounden duty of the Board as well as the Court to protect the oscillating mind from the moral and mental turpitude. In the considered opinion of this Court, the appellant desperately needs a further cooling period which will best serve his interest. Besides it, looking into the seriousness of offences, the opposite party may be on look out for the appellant or his accomplice to vent out their anger which will also be an additional ground detrimental to the well being of appellant. Hence, this court finds no illegality or irregularity in the impugned order passed by the Board.”

5. Learned counsel have further submitted that the petitioners as on date have been behind bars since the last about 1 year and the same would serve sufficient cooling off period and sufficient deterrent also. It has been submitted that the parents of both the petitioners undertake to take care of the petitioners and to monitor their activities and also to counsel them and to keep them away from bad company. It is, thus, been prayed that the petitioners, who are juveniles, may be released on bail.
6. Opposing the petitions, learned State counsel has submitted that since the involvement of the petitioners is clearly borne out from the CCTV footage/s collected from the cameras installed at the petrol pump, their

complicity is clearly evident. It has further been submitted that while an amount of Rs.1600/- was recovered from Deepak, an amount of Rs.840/- was recovered from Chintu. Learned State counsel has, however, informed that the petitioners otherwise are not involved in any other case. It has also been informed that in the present case as many as 15 PWs have been cited, but none has been examined till date and in fact even the charges have not been framed so far.

7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that the petitioners are juveniles and are not stated to be involved in any other case. It is also not in dispute, it is the co-accused Himanshu, who was carrying a pistol. The petitioners, otherwise, have been behind bars for a substantial period of 1 year. Conclusion of trial is likely to consume time inasmuch as not even a single PW out of cited 15 PWs has been examined so far. Thus, it will not be useful to further detain the petitioners behind bars at this tender age. Both the petitions, as such, are accepted and the impugned orders are hereby set aside. The petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, directed that the parents of the petitioners shall regularly monitor the movements of the petitioners and get them properly counseled from some expert and shall ensure that the petitioners are kept involved in some constructive and healthy activities and that they do not come in contact with any criminal.

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10. A photocopy of this order be placed on the connected file.

28.07.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

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