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

**CRR No.1597 OF 2023 (O&M)  
DATE OF DECISION: 16.08.2023**

**Saurav (minor)****.Petitioner****Versus****State of Haryana****.Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Ms. Gurmeet Kaur, Advocate,  
For the petitioner.

Mr. Karan Garg, AAG, Haryana.

**ARUN MONGA, J. (ORAL)**

Petitioner, a 17-year old juvenile, challenges impugned orders dated 01.02.2023 and 07.06.2023 passed by learned Courts below whereby he was declined bail in case FIR No.278 dated 23.05.2022 registered under Sections 186, 307 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 (for short "Act"), at Police Station Quilla, Panipat.

2. Per prosecution version, on 23.05.2022, ASI Ravinder Singh along with other police officials were on routine patrol duty. A secret informer told them that three young boys having pistols were travelling in Bolero vehicle bearing registration No.UP-12BC-6515 with an intention to commit crime. Police party spotted the boys sitting inside the vehicle and when tried to apprehend them, they opened fire on the police party with intention to kill. Meantime, another police team also reached there and they also fired with their service revolver. Two boys were injured and intercepted, who disclosed their names as Neeraj Baba and Saurav (present petitioner). Third person was apprehended from driver seat of the vehicle. A country made .315 bore pistol was also recovered from possession of petitioner. Injured were taken to hospital. FIR was registered in this regard. Investigation was carried out.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He was not arrested from the spot and .315 pistol

has been planted upon him. He further contends that no police official was injured in the alleged incident. Challan was presented on 11.07.2022 and charges were framed. There are total 22 prosecution witnesses and only 04 have been examined till date.

3.1. Learned counsel further submits that in case, the juvenile or any of his family member does not have any criminal history, he ought to be granted bail, even if implicated under Section 302 of IPC. In support of his contention, he relies on decisions of this Court rendered in the case of **Atul Kumar and another versus State of Haryana<sup>1</sup>** and **Satbir versus State of Haryana<sup>2</sup>**.

4. On the other hand, learned State counsel, on instructions from ASI Narender Singh, opposes the bail petition. Status report dated 10.08.2023 by way of affidavit of Assistant Superintendent of Police, Panipat has been tendered in Court by learned State counsel. He submits that petitioner has committed a serious offence. Further informs that petitioner is involved in another FIR under Sections 365, 364A, 341, 506 IPC and Section 25 of Arms Act. He further submits that learned Courts below have rightly declined to grant any concession of bail to the petitioner.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'JJ Act') reads as under:

*“12. (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 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*

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<sup>1</sup> 2003 (4) R.C.R. (Criminal) 404

<sup>2</sup> 2011 (2) R.C.R. (Criminal) 621

*to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's 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 fulfill 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."*

7. Learned Courts below while declining bail to the petitioner have not considered the aforesaid provisions in right perspective. Bail to juvenile under Section12 of the Juvenile Justice Act is a right and rejection thereof is an exception. Investigation is complete *qua* petitioner. It is nowhere stated by the prosecution that any family member of the petitioner is having any criminal record in past or at present, any of them is indulged in illegal activities of any kind. It is also not borne out from perusal of the record that release of the petitioner is likely to bring him into association with any known criminal or expose to moral, physical or psychological danger or his release would defeat the ends of justice.

8. In this case, petitioner was arrested on 23.05.2022 and is in continuous incarceration since then. Trial is likely to take long time. Whereas, petitioner has already been languishing in jail for the past more than one year and two months in preventive custody. Petitioner is stated to be 17-year young boy.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, impugned orders dated 01.02.2023 and 07.06.2023 passed by learned Courts below are set aside. Petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds by guardian of petitioner to the satisfaction of learned Principal Magistrate, Juvenile Justice Board/Chief Judicial Magistrate, Panipat.

11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

**AUGUST 16, 2023**  
Shalini

**(ARUN MONGA)**  
**JUDGE**

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