

Sachin

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Rahul Sharma, Advocate for the petitioners
Mr. Deepak Grewal, DAG Haryana

Sudhir Mittal, J. (Oral)

This petition has been filed for grant of regular bail in case FIR No. 376 dated 23.09.2022, registered at Police Station Sector 14, District Panchkula under Sections 379-B, 34 IPC and Sections 25, 54, 59 of the Arms Act.

According to the contents of the FIR, the petitioner and two other co-accused waylaid the complainant and snatched some money and a silver chain from him. The other two co-accused were armed with knives but the petitioner was allegedly empty handed.

Learned counsel for the petitioner submits that the petitioner has been in custody for over three months. He was not armed. He is a juvenile and as per Section 12 of the Juvenile Justice (Care and Protection of Children), Act, 2000 he is entitled to bail as a matter of right. Thus, the petition may be allowed and he may be granted regular bail.

A photocopy of affidavit dated 17.01.2023 executed by Superintendent, Observation Home, Amabla has been filed in the Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 3 months and 25 days and there are no other criminal cases pending against him.

the enquiry is in progress. He further states that the social investigation report of the petitioner has been submitted alongwith status report dated 20.12.2022, according to which the petitioner is addicted to alcohol and has committed the crime to satisfy his needs for the same in association with his friends. Thus, releasing him on bail might expose him to moral, physical and psychological danger and may also result in bringing him in association with other known criminals. The co-accused who are friends of the petitioner are known criminals.

Section 12 of the aforementioned Act permits grant of bail to a juvenile irrespective of the offence being bailable or non-bailable. There are, however, exceptions to the rule i.e.

(i) release is likely to bring the person in association with known criminals.

(ii) expose the person to moral, physical or psychological danger

(iii) would defeat the ends of justice.

A perusal of the social investigation report clearly shows that the petitioner belongs to a poor family and nobody in his family is educated. He himself is illiterate and has no interest in education or any other activity. He is addicted to alcohol and has allegedly committed the crime to finance his habit. Thus, releasing the petitioner on bail is more than likely to bring him in association with known criminals and is also likely to expose him to moral, physical and psychological danger. Cumulatively, the existence of these possibilities would defeat the ends of justice. Accordingly, the petitioner can not be released on bail.

For the foregoing reasons, the petition is dismissed.

(SUDHIR MITTAL)
JUDGE

January 17, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No