



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-22528 & 22529-2024 in/and
CRR-1035-2024

Date of decision : 29.05.2024

Axxx through his father Rajinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)CRM-22528-2024

Delay condoned and the application is allowed.

CRR-1035-2024

1. The present revision petition has been filed against the order dated 28.09.2023 passed by the Additional Sessions Judge, Kaithal affirming the order passed by the Juvenile Justice Board, Kaithal declining release of the petitioner on bail.

2. Learned counsel for the petitioner submits that the petitioner who is a juvenile is facing prosecution in FIR No.302 dated 31.07.2023 under Sections 148, 149, 323, 326-A, 379, 452 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Pundri, District Kaithal and he is a first time offender. He further submits that offence under Section 325 IPC added later on and inadvertently, the same could not be added in the prayer clause as well as head note of the petition. Registry is directed to carry out the necessary corrections.

3. The Juvenile Justice Board has declined the plea of the



petitioner for release on bail after recording the finding that in view of the nature of the allegations, it *prima facie* appears that CCL has criminal proclivities. Though, it has been admitted in the order that social investigation report qua CCL is awaited yet. It has been noticed that there are chances of CCL being exposed to moral, physical and psychological danger to deny him release on bail. The Appellate Court affirmed the order dated 21.08.2023 merely by repeating the said findings and dismissed the appeal.

4. In the considered opinion of this Court, in the absence of there being any material on record in the form of report from the concerned quarter, the Courts below ought not have denied release of the petitioner on bail merely on the basis of surmises and conjectures noticing that there is a chance of the petitioner being exposed to moral, physical and psychological danger. In the absence of there being any such material on record to formulate such opinion and in view of the fact that the petitioner is a first time offender, the impugned order cannot be sustained in law.

5. In the light of above, both the orders dated 21.08.2023 and 28.09.2023 are set aside and accordingly the revision petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

6. The pending misc. application(s), if any, shall stand disposed of accordingly.

29.05.2024
D.Bansal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No