

**CRR-1186-2024 (O&M)****-2-**

Kumar with a knife as a result of which, he unfortunately expired. The petitioner was apprehended on 26.06.2023 on the basis of a disclosure statement of Sandeep @ Shipi. The bail application moved by the petitioner was dismissed by the Juvenile Justice Board and the appeal filed against the said order was also dismissed by the Court of Additional Sessions Judge, Fatehabad leading to the filing of the instant revision petition.

3. Learned counsel for the petitioner submits that both the Courts have erred in rejecting the bail application of the petitioner and have failed to comply with the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short '2015 Act'). He submits that even otherwise, the overt act leading to the demise of Ravi Kumar is attributed to Sandeep @ Shipi, who is already in custody and apart from all other accused, is also a juvenile. He submits that the long incarceration of the petitioner be it in the Juvenile Justice Home will have an adverse effect on the delicate mind of the petitioner. He further submits that there is no request by the prosecution for trying the petitioner as an adult. Learned counsel submits that the petitioner has undergone incarceration of almost 01 year; final report under Section 173 Cr.P.C. has already submitted; charges were framed on 22.03.2024 and till today no witness has been examined out of a list of total of 32 witnesses.

4. Notice of motion.

5. Mr. Amit Aggarwal, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. He has filed the custody certificate of the petitioner as per which, the petitioner has undergone custody of 11 months and 16 days.

6. I have considered the submissions made by learned counsel for the parties.

7. No doubt, a young man was done to death. How he expired shall be determined when the trial concludes. The main allegation is against Sandeep @ Shipi, who is also in custody. As per the provisions of Section 12 of the 2015 Act, bail is to be granted to a child in conflict with law unless the Court comes to a conclusion that the release would be likely to bring the person into association with some known criminal or expose the said person to moral, physical or psychological danger or that the person’s release would defeat the ends of justice. The reasoning recorded by both the Courts below is not justified since detention of a juvenile is known to cause adverse effects on the mind of a juvenile. Even in the Juvenile Justice Home, he would be likely to come into association with other similarly situated persons which may also not be in the interest of the juvenile. It is an admitted position that there is no request, at least for the time being, for trying the juvenile as an adult. The petitioner is already in custody for almost 01 year. I do not see any reason to retain him in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate Fatehabad.

12.06.2024
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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