

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRR No. 40 of 2021 (O&M)
Date of Decision: 29.6.2021**

Dinesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Parmod Kumar, Advocate, for
Mr. Gaurav Gaur, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The present revision petition has been filed under Section 401 of the Code of Criminal Procedure to challenge the impugned order dated 28.10.2020 passed by the Juvenile Justice Board, Narnaul, whereby, the bail to the present petitioner aged 15 years (who has already been declared juvenile) has been declined and the same has been affirmed by Additional Sessions Judge, Narnaul, vide judgment dated 7.1.2021. The petitioner, being juvenile, has prayed for setting aside the impugned orders passed by both the Courts below.

2. Learned counsel for the petitioner would rely upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (here-in-

after referred to as '**J.J. Act**'), which provide that bail ought to be allowed to a person who is allegedly a child in conflict with law without going into the heinousness of the crime committed. It is contended that both the impugned orders are not sustainable in the eyes of law. He also relies upon the order passed by this Court in **Vishvas Versus State of Punjab Law Criminal Revision No. 53 of 2021 decided on 8.2.2021** to contend that the provisions of Section 12 of the J.J. Act have not been complied with. At this stage, learned counsel also stresses upon the fact that during the pendency of the revision petition in this Court, the matter has been compromised between the parties and the complainant would have no objection in case regular bail is allowed to the petitioner.

3. Mr. Parmod Kumar, Advocate, who is appearing on behalf of Mr. Gaurav Gaur, Advocate, for the complainant admit the factum of the compromise between the parties and submits that the complainant would have no objection in case regular bail is allowed to the petitioner.

4. I have heard learned counsel for the parties and without going into the legality of the orders passed by the Juvenile Justice Board and the first Appellate Court in declining the regular bail to the petitioner who is a juvenile deem it appropriate to allow regular bail to him, particularly keeping in view the fact that the matter has been compromised between the parties.

5. Consequently, the present revision petition is allowed and the impugned orders i.e order dated 28.10.2020 passed by the Juvenile Justice Board, Narnaul, and order dated 7.1.2021 passed by the Additional Sessions Judge, Narnaul, are hereby set aside. The petitioner is directed to be

released on bail subject to his furnishing adequate bail bond/surety bonds amounting to Rs.50,000/- through his natural guardian or near relative to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Narnaul.

29.6.2021
prem

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>