

(2003) 09 P&H CK 0073

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 20600-M of 2003

Anish

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 12-09-2003

Acts Referred:

Citation : (2004) 1 CLR 491 : (2003) 3 Cri.CC 193 : (2003) 3 Crimes 525 : (2003) 2 FJCC 45 : (2003) 4 RCR(Criminal) 813

Hon'ble Judges : M.M.Kumar, J

Advocate : Mr. Ashwani Talwar, Advocate. Mr. G.P.S. Nagra, AAG, Haryana.,
Advocates for appearing Parties

Judgement

M.M. Kumar, J.

1. This is an application seeking regular bail in case FIR No. 262 dated 21.9.2001 registered under Sections 395/397 IPC read with Section 25/54/59 of Arms Act at Police Station Samalkha.

2. The allegations against the petitioner are that he committed dacoity and looted a roadways bus after sunset and before sunrise at G.T. Road Panipat by using a pistol. Apart from FIR No. 262 dated 21.9.2001, the petitioner is accused in case FIR No. 242 dated 30.8.2001 registered under Sections 396/397 IPC. He was arrested on 9.10.2001.

3. Mr. Talwar, learned counsel for the petitioner has argued that the petitioner is a juvenile and is entitled to special concession by virtue of the provisions of the Juvenile Justice (Care and Protection) Act, 2000 (for brevity 'the Act'). According to the learned counsel, he is likely to become a hardened criminal in the company of his jail inmates.

4. Learned State counsel has pointed out that the petitioner is a daredevil criminal and has indulged in heinous crime of looting the bus passengers by using pistol. He is stated to be born on 10.2.1985 and by now he is 18 plus.

5. After hearing learned counsel for the parties, I am of the considered view that concession of bail cannot be granted to the petitioner merely because at the time of commission of offence he was a juvenile. It has also been found by the learned Additional Sessions Judge that if the petitioner is enlarged on bail he is likely to be introduced to hardened criminal gang and is likely to commit such offences. There is no doubt that the petitioner is 'juvenile in conflict with law' as defined in Section 2(l) of the Act. But at the same time Section 12 of the Act provides that if release is likely to bring him in to association with any known criminal or expose him to moral, physical or psychology danger or it would defeat ends of justice then grant of bail is not imperative. The offences committed by him do not reflect the juvenile acts representing the spirit of juvenile. Therefore, the application is dismissed.

However, any observation made in the paras above, would not constitute an expression of opinion on the merits of the case.