

Present: None

File taken up today as I shall be
availing joining time w.e.f.01.02.2019 to
06.02.2019. File be put up on 27.02.2019 the
purpose already fixed. Reader is directed to
inform the parties.

(Ashok Kumar Chauhan),
ACJ(SD), Mansa (PB0266)

Date of order: 31.01.2019

Next date: 27.02.2019

Disha

FIR No.03 dated 12.01.2019
Under sections 363, 366-A
PS Sadar Mansa

State	Versus	Jashan Singh Applicant
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Present: Shri G.S.Mann, Advocate, counsel for applicant
Shri B.S.Deol, APP for the State

Social investigation report has been received.
Heard on the bail application filed on behalf of juvenile-applicant. It is contended by learned counsel for the applicant that applicant has been falsely implicated in this case. It is further contended that applicant is in observation since the date of his arrest. With these observations, a prayer for dismissal of the application has been made.

Percontra, learned APP for the State, assisted by learned counsel for complainant has submitted that there is direct attribution of crime to the juvenile. It is submitted that case of the prosecution is likely to be materially hampered if juvenile is released on bail.

Having heard these submissions, this Board is of the considered view that the law provides under Section 12 of the Juvenile Justice Board, 2015 that ordinarily the juvenile is to be admitted to the concession of bail, except when it is shown that his released on bail would not be conducive to his welfare. Even otherwise, detaining the juvenile in the precincts of the observation home is likely to bring him in contact with undesirable elements of the society, which may incur the risk of

his further psychological deterioration, whereas, the welfare of the juvenile shall be the best looked after, if he is allowed to lead a stable life, in the company and under the guidance of their family in order to carry on social activities. Social investigation report have been received from which nothing has been brought out to show that the release of juvenile would not be conducive to his welfare. Our Hon'ble High Court in case titled as **Bittu Singh Vs State of Haryana-2015(2)-RCR(Criminal)-316**, wherein it has been specific held *that even while denying the benefit of bail to a juvenile in conflict with law, the Court has not only to refer to one or more of these grounds, but is also to record its satisfaction founded on some relevant material, availability of which has to be shown on the record.*

In view of aforesaid, this Board is of the considered view that no ground is made out to deny the concession of bail to the juvenile as his welfare shall be better look after, if he is released on bail and given a chance to lead a normal life in the family scenario. Accordingly, he is admitted to the concession of bail, subject to the following conditions:

1. Parents of the juvenile shall furnish bail bond in the sum of Rs.25,000/- with one surety in the like amount;
2. Juvenile shall appear on the each and every date fixed for trial;
3. Juvenile shall make himself available if ever called by the I.O. for further investigation;
4. Juvenile shall not leave the territory of India without prior permission of the Board.

5. He shall not commit any further crime nor offer any inducement or threat to any witness nor tamper with the evidence in any manner.
6. The juvenile shall not make any inducement offer or remain in touch with the victim of the case.
7. In case of failure of the juvenile to adhere to the abovesaid conditions, the prosecution as well as the first informant/victim shall be at liberty to apply to this Board for cancellation of bail of the juvenile.

Bonds not furnished. Papers be tagged with
FIR/remand.

Date of Order:26.02.2019
(Vinit)

(Ms. Manjit Kaur)
Member

(Mr.P.S.Sidhu)
Member

(Ashok Kumar Chauhan),
Principal Magistrate (PB0266)
Juvenile Justice Board, Mansa