

## Sarvan Singh Vs State of Rajasthan

**Court:** RAJASTHAN HIGH COURT

**Date of Decision:** Sept. 9, 2016

**Acts Referred:** Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12  
Rajasthan Excise Act, 1950 - Section 14, Section 19, Section 54, Section 54, Section 57

**Citation:** (2016) 4 WLN 423

**Hon'ble Judges:** Mr. Goverdhan Bardhar, J.

**Bench:** Single Bench

**Advocate:** Mr. O.P. Rathi, P.P, for the State; Mr. Dinesh Bishoni, Advocate, for the Petitioner

**Final Decision:** Allowed

### Judgement

Mr. Goverdhan Bardhar, J. - Heard learned counsel for the petitioner (juvenile through his natural guardian) as well as learned Public

Prosecutor appearing on behalf of the respondent-State.

2. The allegation against the petitioner is of offence under Sections 19/54, 14/57 & 54-A of Rajasthan Excise Act. The bail application filed by the

petitioner under Section 437 Cr.P.C. before Juvenile Justice Board, Jalore was rejected vide order dated 30-08-2016. Being aggrieved by the

said order, an appeal was filed by the petitioner before the learned Sessions Judge, Jalore and the same has been dismissed by learned Appellate

Court vide impugned order dated 03-09-2016. Being aggrieved of the orders dated 30- 08-2016 and 03-09-2016 passed by the Courts below,

the petitioner has preferred this revision petition before this Court.

3. Learned counsel for the petitioner has vehemently submitted that impugned orders passed by the Courts below are illegal, unsustainable in the

eyes of law and totally against the provisions of law. Learned Courts below have not appreciated the fact that the petitioner is juvenile and entitled

to get benefit of provisions of the Juvenile Justice Act. Section 12 of the Juvenile Justice Act clearly provides that if the accused is juvenile, then he

should be released on bail, but learned Courts below fully ignored the provisions of the Juvenile Justice Act. The petitioner is in custody since long

time and no further detention of the petitioner is required for any purpose. There is no evidence to show that if the juvenile-petitioner is released on

bail, then his release is likely to bring him into association with any known criminal, or expose him to moral, physical or psychological danger, or

that his release would defeat ends of justice. Learned counsel for the petitioner further submitted that the gravity of the offence committed cannot

be a ground to decline bail to a juvenile. Learned Courts below in quite cursory manner have declined bail to the applicant-petitioner. He placed

reliance on the decisions of this Court in the cases of Prakash v. State reported in 2006 Cri. L.J 1373, Amandeep Singh v. State of

Rajasthan reported in 2011 Cri. L.J 1599.

4. On the other hand, learned Public Prosecutor defended the impugned order passed by the Juvenile Justice Board in declining the bail to the

petitioner as also the judgment passed by the Appellate Court upholding the order passed by the Juvenile Justice Board.

5. I have carefully considered the submissions made by the learned counsel for the parties and also perused the provisions of the Juvenile Justice

Act.

6. It appears that for the protection of juvenile, this special Act has been enacted. Section 12 of the Juvenile Justice Act indicates that if a juvenile

is arrested or detained or appears or is brought before a Board, such juvenile shall be released on bail, with or without surety, or placed under the

supervision of a Probation Officer or under the care of any fit institution.

7. The language of Section 12 of the Juvenile Justice Act conveys the intention of the Legislature to grant bail to the juvenile, irrespective of nature

or gravity of the offence, alleged to have been committed by him and bail can be denied only in the case where there appears reasonable grounds

for believing that the release is likely to bring him into association with any known criminal, or expose him to moral, physical or psychological

danger, or that his release would defeat ends of justice.

8. In this context, I have also scanned through and perused the orders passed by the courts below.

9. Having carefully examined provisions of the Juvenile Justice Act vis-a-vis the orders passed by the courts below and the report of the Probation

Office, I do not find that any of the exceptional circumstances, to decline bail to a juvenile, as indicated in Section 12 of the Juvenile Justice Act, is

made out.

10. In view of the aforesaid discussion, this revision petition is allowed and the order dated 30-08-2016 passed by the Juvenile Justice Board,

Jalore as well as order dated 03-09-2016 passed by learned Sessions Judge, Jalore, declining bail to the petitioner is hereby set aside.

11. It is ordered that the juvenile accused petitioner Sarvan Singh S/o Akheraj Singh shall be released on bail, upon furnishing a personal bond by

his respective natural guardian (uncle Jhunjhar Singh), in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) along with a surety in the like

amount to the satisfaction of learned Juvenile Justice Board, Jalore with the stipulation that on all subsequent dates of hearing, he shall appear

before the said court or any other court, during pendency of the investigation/trial in the case and that his guardian shall keep proper look after of

the delinquent child and secure him away from the company of known criminals.