

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR-2794-2015
Date of decision: 1.10.2015

Deepak Raghav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Gautam Dutt, Advocate for the petitioner.
Mr. Ashish Yadav, Addl. A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Present petition is directed against the order dated 21.7.2015 passed by the learned Additional Sessions Judge, Gurgaon, whereby bail application of the juvenile petitioner was dismissed, in view of the gravity of offence, alleged to have been committed by him.

Notice of motion was issued.

Learned counsel for the petitioner places reliance on a judgment of this Court in **Pankaj v. State of Haryana, 2013(7) RCR (Crl.) 1105**, to contend that instant case is squarely covered in favour of the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that the instant case is not covered by the judgment rendered by this Court in **Pankaj's** case (supra), it being distinguishable on facts. He seeks dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the instant case, petitioner has been found entitled for concession of bail pending trial, for the following more than one reasons.

It is not in dispute that petitioner was juvenile at the time of alleged incident. The learned trial Court has declined the bail application of the petitioner, on the basis of gravity of offence, alleged to have been committed by him. Learned counsel for the petitioner has been found fully justified in contending that the present case is squarely covered in favour of the petitioner by the judgment of this Court in **Pankaj's** case (supra).

In view of the above and without commenting anything further on merits of the case, lest it should prejudice the rights of either of the parties, the instant petition is allowed. The impugned order dated 21.7.2015 is hereby set aside, having been found contrary to the judgment of this Court in **Pankaj's** case (supra). Petitioner shall be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

Disposed of, accordingly.

1.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE