

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 137 of 2016 (O&M)
DECIDED ON: April 21, 2016

Dharmender @ Dharmu

....PETITIONER

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.S. Hooda, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Haryana.

JASPAL SINGH, J (ORAL)

CRM No.9973-2016

Application for pre-arrest is dismissed as having become
infructuous.

Main case

The instant petition has been preferred by Dharmender @
Dharmu, who is confined in Juvenile Observation Home at Faridabad,
challenging the order dated October 13, 2015 passed by the Principal
Magistrate, Juvenile Board, Palwal whereby bail application moved by
him in case FIR No. 579, dated 09.09.2015, under Section 302 IPC and
Section 25 of the Arms Act, Police Station City Palwal, District Palwal
has been declined. Revision petition challenging the said order has also

been dismissed by the Id. Additional Sessions Judge, Palwal vide order dated November 03, 2015.

2. Shortly, put the case of the prosecution is that on September 09, 2015, father of victim namely Manmohan put the investigation agency into motion by getting his statement recorded to the effect that his son Manoj, a commission agent did not return home from the Vegetable Market, Palwal where he has been working. On the next day, it came to light that his money has been snatched away by his friend. Subsequent thereto, when Manmohan was present on his duty, he got an information that his son has been stabbed with knife, who has been rushed to General Hospital, Palwal. His condition being precarious, he was referred to Safdarjung Hospital, New Delhi but enroute, he succumbed to the injuries.

3. During investigation, it came to light that his son was stabbed by Dharmender @ Dharmu i.e. the petitioner, when he was accompanied by 4/5 other associates. Moreover, the knife alleged to have been used in the commission of offence has also been recovered, at the instance of the petitioner, which was subsequently taken into possession by the police.

4. No doubt, the petitioner is in observation home since September 13, 2015 as he is juvenile and is being tried by the Juvenile Justice Board, Palwal but it does not *ipso facto* mean that he is entitled to bail.

5. Taking into consideration the gravity and seriousness of offence and other relevant factors, this Court does not find any illegality

or infirmity in the impugned order(s) passed by both the court(s) below.

As such, the instant petition being devoid of any merits, is dismissed.

April 21, 2016
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(JASPAL SINGH)
JUDGE