

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.2121 of 2016 (O&M)
Date of Decision : 07.06.2016**

Mohd. Haroon @ Luchi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mohd. Yousaf, Advocate
for the petitioner.

Mr. Jasjeet S. Dhaliwal, Deputy Advocate General, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

The petitioner Mohd. Haroon @ Luchi, a juvenile in conflict with law has invoked the jurisdiction of this Court by way of revision petition under Section 401 Cr.P.C. The petitioner feeling aggrieved over the findings dated 26th February, 2016 of the Principal Magistrate, Juvenile Justice Board, Sangrur declining him bail and which orders were upheld vide judgment dated 19th April, 2016 by learned Additional Sessions Judge, Sangrur has sought to challenge the same.

The contentions of learned counsel for the petitioner that no role has been assigned to the petitioner in the commission of the offences and the only allegations that have been levelled against him are of throwing stones at the victim. It has been asserted with much force and vehemence that the principal-accused Jagar who is alleged to have fired at the victim-Mohammad Ashraf, has been allowed bail by the Court of learned

Additional Sessions Judge, Sangrur and even co-accused who have been assigned definite role in the incident of having fired and given injuries to the other victims have been given this relief by the trial Court. The same is not controverted by Mr. J.S. Dhaliwal, Deputy Advocate General, Punjab on behalf of the respondent-State who has duly acceded to the same.

Upon hearing the counsel at length, the fact as has been brought to the notice of this Court that the lone ground which have weighed heavily in the mind of the Principal Magistrate, Juvenile Justice Board, Sangrur that another case bearing FIR No.67 dated 20th July, 2015 under Sections 302, 148, 149, 212, 216 of IPC and Sections 25/27 of Arms Act registered with Police Station City-I, Malerkotla in which name of petitioner-Mohd. Haroon @ Luchi has crept in. It is asserted by the counsel for the petitioner that above FIR pertains to an occurrence prior to registration of present FIR and after more than 07 months of the occurrence, name of petitioner has come up only on the basis of supplementary statement so recorded with the motive to implicate the present petitioner as an accused. The same certainly is doubtful and could not be controverted on behalf of the State.

Keeping in view that the petitioner is in custody since 25th July, 2015 a substantial incarceration and that in view of the principle of parity certainly needs to be treated at par with his co-accused though the case of the petitioner is on a better footing, both the Courts below have certainly failed to appreciate this aspect and thus has fell into an error resultantly in miscarriage of justice and immense prejudice to the case of the petitioner.

In the light of the same, the instant revision petition is allowed. The impugned orders are set aside. Petitioner-Mohd. Harron @ Luchi is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur, if not required in any other case.

June 07, 2016
Dpr

(FATEH DEEP SINGH)
JUDGE