

S.No.220

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

CRM-M-51028 of 2018 (O&M)

Date of Decision:27.11.2018

SahilPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Rishi Pal Singh, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.955 dated 26.10.2017 registered under Sections 148, 149, 302, 452 and 201 IPC at Police Station City, Thanesar.

Counsel for the petitioner contends that the case against the petitioner is concocted. His name is not mentioned in the FIR. The petitioner was roped in the case subsequently on the basis of the statement made by the co-accused. Even as per the case of the prosecution, the petitioner is shown to be only armed with danda and not with any defined weapon. Even there is no recovery of danda from the petitioner. It is also submitted by counsel for the petitioner that the petitioner is being tried by the Children Court without treating him as an adult. Therefore, even if convicted, the petitioner can be kept in Reformation Home only for three years whereas the petitioner is already in custody for more than one year. It is further contended that there is no other case against the petitioner. He is a student of 10th Class and not involved in any other criminal matter.

On the other hand, learned counsel for the State submits that the petitioner is involved in a serious crime. There are total 35 injuries on the body of the deceased and there are 15 more accused in the case besides the present petitioner. However, it is not disputed by counsel for the state that the petitioner is in custody since 31.10.2017 and that the petitioner has not been treated as an adult by the Court so far. Counsel for the State has also not been able to point out any other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 27, 2018	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No