

CRM-34847-2019 in/and
CRR No. 1223-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-34847-2019 in/and
CRR No. 1223-2019 (O&M)
Date of Decision: 18.11.2019

Abhishek

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the applicant-petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

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By this application, the applicant-petitioner seeks to place on record his disclosure statement as is stated to have been recorded before the police, as also the recovery memo by which a mobile phone was recovered from him, in which the occurrence of the deceased being beaten up and injured is stated to have been recorded, as Annexures P-2 and P-3.

Notice in the application.

On the asking of the Court, Mr. Neeraj Poswal, A.A.G., Haryana, accepts notice on behalf of the respondent.

A copy of the application be handed over to him during the course of the day.

Copies of the aforesaid documents being obviously part of the police record, the application is allowed subject to all just exceptions and the aforesaid documents are ordered to be taken on record as Annexures P-2 and P-3, respectively.

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The petitioner, who is stated to be a juvenile, 15 years and 10 months old at the time of the occurrence, has been in custody for the past 10 months, with Mr. Sanghi having pointed out that even as per the case of the prosecution, the allegation against him was that he was told to record the occurrence where the deceased was being beaten up (though with him stated to have died much after that, after being kidnapped) and further, even the complainant in his testimony before the trial Court in the criminal proceedings against the other co-accused (as are not juvenile), has stated that the petitioner was not named by him anywhere.

On specific query to learned counsel for the State, he on instructions, does not deny that there is no other criminal case registered against the petitioner.

That being so, without making any comment on the merits of the case for or against the petitioner, which would naturally be subject matter of evidence led before the learned Juvenile Justice Board, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of that Court.

November 18, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.