

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

**CRR No.3507 of 2018**

Date of decision: 26<sup>th</sup> February, 2019

Arjun

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. Amrik Narwal, Dy. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

The facts that have been brought to the notice of this Court are that the revision petitioner Arjun happens to be the younger brother of principal accused Jawala Singh alias Monu and the latter was married to Rachna in the year 2016. It is alleged that during this matrimony, a dispute had arisen between the deceased and the family of the petitioner, and as a consequence of which the deceased died an unnatural death on account of burn injuries leading to registration of the present case and arrest of the petitioner on 20.07.2018.

Learned counsel for the petitioner Mr. Munish Behl, Advocate has contended that the petitioner at the time of occurrence was a student of 10+1 class and that there is no semblance of evidence to connect him with the commission of offence together with the fact that

being a young boy, a minor at the time when the alleged occurrence had taken place, was not likely to be mature enough to carry on the criminal pursuits of his co-accused.

Learned State counsel assisted by ASI Dharamvir, Police Station Gharaunda, District Karnal though does not dispute the facts brought to the notice of the Court but has opposed the bail on the grounds that the petitioner being a juvenile, if released on bail would mix up with the habitual offenders and might deviate from the path of rectitude, though accepts the fact that there is only statement of the co-accused against him who have named him in commission of the offence and there is no other semblance of evidence.

The learned Juvenile Justice Board, Karnal vide orders dated 12.09.2018 merely on the premise that there is moral/psychological danger to the juvenile if he is released on bail and might be exposed to crime and certainly in the impugned orders the Court of learned Additional Sessions Judge, Karnal in its findings dated 27.09.2018 has clearly lost sight of the fact that the petitioner happens to be a juvenile, a student of 10+1 class at the time when the alleged offence is deemed to have been committed. The Court below merely has relied upon disclosure statement of co-accused Jawala Singh alias Monu brother and Smt.Sudesh mother of the petitioner. To the very specific query of the Court, learned State counsel concedes the fact that no legality and validity can be given to such a statement of co-accused and therefore, a

debatable issue having been arisen over its acceptability and reliability. The proceedings before the Juvenile Justice Board are not likely to be concluded in the near future and thus, no useful purpose will be served by keeping the petitioner in custody and rather to the mind of this Court if kept in observation home there are likely chances of the petitioner deviating from the path of rectitude and thus it would suffice the interest of justice if the present revision petition is allowed and the petitioner is allowed to be released to the satisfaction of Juvenile Justice Board, Karnal.

The petition stands disposed off in those terms.

**(FATEH DEEP SINGH)**  
**JUDGE**

**February 26, 2019**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No