

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-844-2020 (O&M)

Date of Decision:- 12.6.2020

Dippanshu @ Natti Gulli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fateh Saini, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 12.2.2020 passed by learned Additional Sessions Judge, Ambala whereby an appeal against order dated 29.1.2020 passed by learned Juvenile Justice Board, Ambala, dismissing the bail application filed on behalf of the petitioner has been dismissed.
2. The FIR in question was lodged at the instance of Monu wherein it has been alleged that on 16.11.2019 at about 5.30 am he received a call from Surender Noori who was calling from the mobile phone of

complainant's brother namely Sonu and who informed that 7-8 boys had beaten up complainant's brother Sonu and that one of them had a knife who caused 4-5 injuries with the same on the back of Sonu and that accused also gave kicks and fist blows to him. The said informant further informed the complainant that when he tried to rescue Sonu, even he was caused injuries. Later when the accused left from the spot, the said informant took Sonu for treatment to Civil Hospital, Ambala Cantt. It is further the case of prosecution that aforesaid Sonu however could not survive and succumbed to his injuries.

3. The learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated as an accused on the basis of alleged disclosure statement suffered by co-accused Ashish. Learned counsel has further submitted that in any case the petitioner has been behind bars since 23.11.2019 and in these circumstances the petitioner in any case deserves concession of bail as conclusion of trial is likely to take long time.
4. On the other hand the learned State counsel has submitted that in view of the serious nature of allegations and the fact that one of the co-accused had made categorical statement nominating the petitioner as an accused, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Admittedly it is a case where petitioner has been nominated on the basis of disclosure statement made by co-accused, the admissibility and veracity of which is yet to be tested during the course of trial. In

any case even as per the disclosure statement which has been read out by the learned State counsel it is co-accused Gurpreet who has caused injuries with knife to the deceased and the petitioner is attributed fist and kick blows only.

6. Keeping in view the aforesaid facts and circumstances and the fact that the petitioner is a juvenile, the petition is accepted. The impugned order dated 12.2.2020 passed by learned Additional Sessions Judge, Ambala and order dated 29.1.2020 passed by the Juvenile Justice Board, Ambala are hereby set aside. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. Further the parents of the petitioner shall ensure that the petitioner does not come in association with any known criminals and keeps away from such persons and does not indulge in any other offence.
8. The present petition stands accepted accordingly.

June 12, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No