

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

CRR No. 946 of 2020 (O&M)

Date of decision: 16.06.2020.

Varun (Minor)

..... Petitioner.

Versus

The State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Navneet Singh, Advocate, for the petitioner.

Mr. Chetan Sharma, AAG, Haryana, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has challenged the order dated 17.03.2020 whereby his application for release on bail has been declined by the Principal Magistrate, Juvenile Justice Board, Sonipat, and the order dated 28.05.2020 passed by the Additional Sessions Judge, Sonipat, whereby his appeal was also dismissed.

Learned counsel for the petitioner *inter alia* contends that the petitioner is 16 years of age at present and was of the age of 15 years at the time of commission of offence and is being tried as a juvenile in FIR No.195 of 2019, under Sections 302, 34, 120-B of the Indian Penal Code, 1860, besides 25 of the Arms Act, 1959, registered at Police Station Kundli. He also contends that the petitioner is not named in the FIR wherein four persons have been named out of which two are alleged to have caused injuries to the

deceased. He also contends that the fatal injuries are attributed to accused Bijender @ Billi while co-accused Sahil is also stated to have caused injuries. Accused Chahat and Kartik are also stated to have come with other accused. It is also stated in the FIR that besides four accused, two others, namely, Rohit and Hari Om were also responsible for the occurrence. The petitioner has been arraigned as an accused on the statement of co-accused and he is in custody for over one year. The trial is yet to commence.

Mr. Chetan Sharma, AAG, Haryana, contends that as per the custody certificate, the petitioner is in custody for over ten months.

Heard. In view of the submissions of learned counsel for the petitioner, especially when the petitioner is not named in the FIR wherein six others are duly named, he is in custody for over ten months, the Covid-2019 pandemic and the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expression any opinion on the merits of the case, the petition is allowed and the impugned orders dated 17.03.2020 and 28.05.2020 passed by Courts below are hereby set aside. The petitioner is ordered to be released on bail, subject to his furnishing requisite bonds to the satisfaction of the concerned Principal Magistrate, Juvenile Justice Board/Duty Magistrate.

(ANUPINDER SINGH GREWAL)
JUDGE

16.06.2020
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No