

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

CRR-985-2020 (O&M)
Date of decision: 18.11.2020

Deepak @ Dimple

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. D. S. Adlakha, Advocate
for the petitioner.

Mr. Sumit Jain, Additional A.G., Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (ORAL)

CRM- 27994-2020

This is an application under Section 482 Cr.P.C. for preponement of the main case.

Notice of the application.

Mr. Sumit Jain, Additional A.G., Haryana accepts notice on behalf of the State and submits that he has no objection if the present application is allowed.

In view of the above, the present application is allowed and the main revision petition is preponed for today itself and taken up on board for hearing.

CRR-985-2020

The prayer in the present petition is for setting aside the impugned order dated 02.06.2020 passed by the learned Additional District and Sessions Judge, Sonapat, as well as the order dated 13.12.2019

(Annexure P-5) passed by learned Principal Magistrate, Juvenile Justice

Board, Sonipat, dismissing the regular bail application under Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015 and for grant of regular bail in case FIR No. 59 dated 22.02.2019 under Sections 363, 366-A, 366 of IPC registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Jagdish stated that his daughter, whose date of birth is 30.11.2002, left home and he had suspicion that Deepak S/o Ram Kumar, in connivance with his friend has kidnapped his daughter.

Learned counsel for the petitioner further submits that later on, Deepak S/o Ram Kumar was arrested and on the disclosure statement of the petitioner was nominated.

Learned counsel for the petitioner has referred to the report submitted by the Principal Magistrate, Juvenile Justice Board, Sonipat dated 24.08.2020 wherein it is stated that the petitioner was declared a juvenile by the CJM, Sonipat on 31.07.2019. Thereafter, the case is pending for conducting a preliminary assessment as per Section 15 of the Act as the juvenile was more than 16 years of age.

Learned counsel for the petitioner further submits that later on, on the basis of the disclosure statement of the petitioner, he was involved in one more FIR No. 62 under Section 302, 120-B, 201 IPC and Section 3 of SC/ST Act regarding killing of a girl in which the petitioner is already on bail and is in custody since 29.03.2019 and as per the aforesaid report submitted by the Principal Magistrate, Juvenile Justice Board, Sonipat the trial is yet to commence and it will take long time.

Learned counsel for the petitioner has argued that looking into the allegations of the present FIR, he was nominated on the disclosure statement of the co-accused and there is no direct evidence against the

petitioner.

Learned counsel for the petitioner has further referred to the statement of the victim 'S' (named no disclosed), aged about 16 years who had stated on 22.02.2019 before the Judicial Magistrate, Ist Class, Sonipat that she had gone to Deepak from her house and stayed with him in the park during the night. Thereafter, Deepak went to his house and she went to Bahalgarh where police caught her.

Learned counsel further submits that in this statement also, there is no direct allegation against the petitioner Deepak @ Dimple.

Learned State counsel in his reply has submitted that the petitioner was granted default bail in FIR No. 62. However, learned counsel for the petitioner could not dispute the factual position.

After hearing counsel for the parties, considering the fact that the petitioner has already been declared juvenile and the case is pending consideration whether he is tried to be an adult being above 16 years of age and the trial has not concluded and also considering that he is in custody since 29.03.2019, the present revision is allowed and the impugned orders are set aside and the petitioner is ordered to be released on bail on his furnishing bail and surety bond to the satisfaction of the learned trial Court/ Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

18.11.2020

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No