

CRR No.1007 of 2020

Date of decision: 20.08.2020

Chahat Minor Through His Father

... Petitioner

Versus

State of Haryana

... Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present : Mr. Navneet Singh, Advocate for the petitioner.
Mr. Jitender Kumar, DAG, Haryana.

B.S. Walia, J. (VC)

Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

[1] Prayer in the petition under Section 401 Cr.P.C. is for setting aside order dated 07.07.2020 passed by the learned Additional Sessions Judge, Sonipat dismissing CrI. Appeal filed by the appellant (petitioner herein) against order dated 15.01.2020 passed by the learned Principal Magistrate, Juvenile Justice Board, Sonipat rejecting application filed by the petitioner for bail pending trial.

[2] Learned counsel for the petitioner contends that as per the prosecution, Billi @ Brijesh, Sahil, Chahat (i.e. petitioner) and Kartik along with some other persons attacked the son of the complainant and accused Brijesh @ Billi, is alleged to have given knife blows on the chest and neck of the victim and other accused persons also caused injuries with knife, on complainant raising screams, all the accused fled towards Delhi on their Scooty whereupon the injured Anil was removed to the hospital where

[3] Learned counsel contends that apart from general allegations, no specific injury is attributed to the petitioner besides, co-accused i.e. Varun, and Hari Om have been released on bail vide order Annexure P/3 dated 16.06.2020 passed in CRR No.946 of 2020 and order dated 31.07.2020 passed in CRR No.1028 of 2020 respectively.

[4] Learned counsel further contends that the petitioner was 15 years old at the time of alleged commission of offence and was tried as a juvenile in case FIR No.195 dated 10.06.2019 for the offence under Sections 302, 34 and 120-B IPC, besides, Section 25 of the Arms Act, 1959 registered at Police Station Kundli. Learned counsel contends that there is no specific allegation qua the petitioner of his having inflicted any injury on the deceased and the fatal injuries are attributed to accused Brijesh @ Billi as well as co-accused Sahil whereas the petitioner Chahat and Kartik are stated to have come with the other accused. The petitioner has been in custody since 06.07.2019. Challan has been filed in September, 2019 but charges have yet to be framed and trial is yet to commence.

[5] Learned DAG, Haryana has filed custody certificate. The same is taken on record. Learned DAG does not dispute the correctness of the factual matrix as noted above or that the petitioner has been in custody since 06.07.2019.

[6] In view of the submission of learned counsel for the parties, especially of no specific injury being attributed to the petitioner and the fatal injuries being attributed to accused Brijesh @ Billi and co-accused Sahil and the petitioner and one Kartik are only stated to have come with the other co-accused, besides, the petitioner is in custody for past more than

one year and due to the prevailing circumstances on account of Corona Virus Pandemic, the trial has not commenced and is likely to take time to conclude, it is deemed appropriate to grant the concession of regular bail to the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present revision petition is allowed and the impugned orders dated 07.07.2020 and 15.01.2020 passed by the Courts below are set aside. The petitioner is ordered to be released on bail subject to his furnishing requisite bail bonds/surety to the satisfaction of the concerned Principal Magistrate, Juvenile Justice Board/Duty Magistrate. The petitioner shall comply with the conditions contained in Section 437(3) Cr.P.C.

(B.S. Walia)
Judge

August 20, 2020

'Amit-Rajesh'

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.