

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

CRR-1068-2020(O&M)

Date of decision:-25.8.2020

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Dr.A.K. Bishnoi, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

Briefly stated, the facts of the case are that complainant Vikram son of Jaswant Singh, resident of village Baijalpur, District Fatehabad got his statement recorded with the police in which he stated that on 22.4.2020 at about 6:30 p.m., he was going from his Dhani towards village Dehman petrol pump on his motorcycle having registration No.HR22G-7019 make Splendor; Karamvir Singh was pillion riding that motorcycle; when they had reached on main road and crossed nursery towards village Dehman, then two motorcycles having two riders with their faces muffled came from behind; one of the motorcycles overtook their motorcycle, whereas other motorcycle intercepted them;

the pillion rider on that motorcycle fired several shots at him (complainant) with an intention to kill him and he suffered firearm injuries on the calf of his left leg, near the knee of right leg and near his left shoulder; however, during the course of incident, face of the assailant got uncovered and complainant identified him as Amit son of Krishan Kumar, resident of his village, who was already acquainted with him; Karamvir Singh had also received a bullet injury; when people started gathering at the spot, then assailants gave kick blows to complainant and fled away from the spot threatening the complainant that he would be done to death as and when they got an opportunity. The complainant, who had suffered five firearm injuries and Karamvir Singh, who had suffered one firearm injury were taken to hospital. They were treated and medico legally examined. Formal FIR for the offences under Sections 323, 341, 506, 307, 34 IPC and Section of Arms Act was registered with regard to the incident with Police Station Bhuna. The investigation in the case started. During the course of investigation, Rahul Kumar, accused was arrested and he suffered a disclosure statement that he along with Rakesh Kumar @ Mukki was undergoing imprisonment in case FIR No.147 dated 3.8.2016 for the offences under Sections 307/34 IPC and under Sections 25 and 27 of Arms Act, registered with Police Station Bhuna; he has been released from jail on parole due to corona virus disease for 42 days; he along with Rakesh Kumar @ Mukki had hatched a conspiracy in the jail itself that they had a dispute with the complainant Vikram Nain with regard to giving evidence in another case bearing FIR No.146/2016, under Sections 307/34 IPC and 25 of Arms Act, registered with Police Station

Bhuna and they would get Vikram Nain killed. Rahul had further stated that while he had come out of the jail, he had received a telephonic call from Rakesh Kumar @ Mukki, who is still lodged in the jail that a boy namely Amit Suthar son of Ram Kumar, resident of Dhani Siswal had been contacted by him and Rakesh Kumar asked Rahul to arrange a meeting of Amit Suthar with present petitioner Amit, a juvenile son of Krishan Kumar so as to kill Vikram Nain. Accordingly, Amit Kumar son of Krishan Kumar was arrested on 3.5.2020 and his disclosure statement was recorded.

The petitioner/juvenile-in-conflict with law had moved an application before Principal Magistrate, Juvenile Justice Board, Fatehabad but it was dismissed vide order dated 8.6.2020 with the observations that the juvenile-in-conflict with law had come come in association of the known criminals and took part in the planned attempt to murder the complainant, which was an act of great moral degradation and his release would defeat the ends of justice.

Feeling aggrieved by the said order, the juvenile – in – conflict with law in question had filed an appeal before the Court of Sessions, which was assigned to Additional Sessions Judge, Fatehabad, who vide order dated 15.7.2020 dismissed the same. The operative part of the order runs as follows:

9. After hearing the contentions of learned counsel for appellant/juvenile as well as learned Public Prosecutor for the State and perusing the records very carefully, it is noticed that the allegations levelled against the appellant/juvenile are that he

alongwith co-accused Amit Suthar in criminal conspiracy with other co-accused namely Rahul and Rakesh @ Mukki had attempted to murder complainant Vikram on 22.04.2020. The co-accused Amit Suthar as per supplementary statement of complainant Vikram recorded on 17.06.2020 had fired shots indiscriminately upon complainant Vikram Nain. The appellant/juvenile as per supplementary statement of complainant on 17.06.2020 was no doubt riding the motorcycle but he alongwith co-accused Amit Suthar in criminal conspiracy with other co-accused namely Rahul and Rakesh @ Mukki had attempted to murder complainant Vikram Nain. The co-accused Rahul and Rakesh @ Mukki are undergoing sentence in case FIR No.147 dated 03.08.2016, under Section 307/34 of IPC and Section 25/27/54/59 Arms Act, Police Station Bhuna. Therefore, the appellant/juvenile had come in association of known criminals and this court is of the considered opinion that the release of appellant/juvenile on bail will bring him into the association of the aforesaid known criminals as the arrest of co-accused Amit Suthar is still pending. The grant of bail to the appellant/juvenile would also defeat the ends of justice. Therefore, there is no illegality in the order dated 08.06.2020 passed by the court of Ms.Meeta Kohli, learned Principal Magistrate, Juvenile Justice Board, Fatehabad dismissing the bail application of appellant/juvenile and same does not warrant any interference.

10. In view of aforesaid reasoning and discussion, the present

criminal appeal moved by appellant/juvenile Amit fails and same is hereby dismissed. Record of learned trial court along with a copy of this judgment be sent back and appeal file be consigned to record room.

Still being dissatisfied, the juvenile has knocked at the door of this Court by way of filing the present revision petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The impugned orders/judgments passed by the Courts below are detailed and well reasoned. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse and not otherwise. The impugned orders/judgments do not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The orders are certainly not perverse or passed in an arbitrary manner. There is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

Finding no merit in the revision petition, the same stands dismissed.

25.8.2020

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No