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

CRR No.3571 of 2018 (O&M)

Date of decision: 21.01.2020

Bobby

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

M. Vikas Chaudhary, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this revision petition is for setting-aside the order dated 20.09.2018 passed by the Principal Magistrate, Juvenile Justice Board, dismissing the application for bail filed by the petitioner – Bobby as well as the order dated 03.10.2018 vide which the Appellate Court has dismissed the appeal filed by the petitioner.

At the very outset, it is worth noticing here that this revision petition was tagged with CRR No.4092 of 2016 wherein the complainant has challenged the order dated 18.10.2016 vide which the petitioner was declared a juvenile.

Considering the fact that the petitioner is in custody for the last more than 3 ½ years i.e. from 19.06.2016, this petition is taken up independently.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Bittu, it is stated that

on 18.06.2016, his brother Rahul @ Monty had gone to feed his buffaloes at his plot and the petitioner/accused Bobby along with his father Narvir @ Pappu and uncle Bhambal @ Jagbir and 2-3 persons were standing there. When his brother reached there, Bhambal @ Jagbir asked the petitioner to shoot him upon which, the petitioner fired 3 times on his brother. At that time, the complainant was passing through the place of occurrence. Thereafter, the victim was taken to the hospital where he died.

Counsel for the petitioner has argued that the question whether the petitioner is a juvenile or not is pending adjudication in the aforesaid revision petition i.e. CRR No.4092 of 2016 whereas the order dated 07.09.2016 declaring the petitioner as juvenile was stayed by this Court.

Counsel for the State, on instructions from HC Surinder Singh, assisted by counsel for the complainant has, however, submitted that charges were framed on 05.10.2016, however, on account of the pendency of the aforesaid revision petition before this Court, no further proceedings are initiated and the trial is yet to commence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 3 ½ years and in case the order dated 18.10.2016, declaring the petitioner as juvenile is upheld by this Court in the aforesaid revision petition; the petitioner has already undergone the maximum punishment provided under the Act i.e. 03 years and as on today, he has undergone more than 3 ½ years of judicial confinement, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the Juvenile Justice

Board/trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.01.2020
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No