

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2634-2019 (O&M)
Date of decision: 08.01.2020

Himanshu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K. Sheoran, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 16.08.2019 passed by the Principal Magistrate, Juvenile Justice Board, Bhiwani, vide which bail application of the petitioner was declined as well as the order dated 19.09.2019 passed by the Sessions Judge, Bhiwani, dismissing the appeal filed against the order passed by the Principal Magistrate, Juvenile Justice Board.

Learned counsel for the petitioner submits that date of birth of the petitioner is 09.11.2001 and he is juvenile and therefore, he is facing trial before the Juvenile Justice Board. It is further submitted that as per allegations in the FIR, registered at the instance of Sumit against the petitioner and co-accused Vikash, on 14.07.2019, he had gone to his brother-in-law's house. Co-accused Vikash called him on his mobile phone and when he reached on the bank of a

canal, the petitioner was sitting on the pillion seat of the motorcycle, driven by Vikash. When the complainant stopped Vikash to caught hold of him, the petitioner hit him with the handle of a pistol and the complainant fell down. Upon this, co-accused Vikash fired upon the complainant with an intention to kill him and the bullet hit on his right hand. The petitioner also fired and the bullet slightly hit on the right side of chest of the complainant. It is further alleged that incident took place because both the accused had taken away Rs.60,000/- from his pocket. During the investigation, the allegation of taking away Rs.60,000/- was not proved and therefore, the police deleted Section 379-B IPC.

Learned counsel for the petitioner further submits that the petitioner is in custody since 16.07.2019; the investigation is complete; challan stands presented and considering his age, no purpose will be served in keeping the petitioner behind the bars.

Learned State counsel, on instructions from SI Ramdhari, has not disputed the factual position that the petitioner is juvenile and is facing the trial before the Juvenile Justice Board, however, it is submitted that the petitioner and co-accused Vikash have used firearm and have caused injuries to the complainant and motorcycle was recovered from the petitioner. It is not denied that Section 379-B IPC has been deleted during the investigation.

In view of the submissions made by learned counsel for the parties, this revision petition is allowed and the impugned order dated 16.08.2019 passed by the Principal Magistrate, Juvenile Justice Board, Bhiwani, declining bail application of the petitioner as well as the order dated 19.09.2019 passed by the Sessions Judge, Bhiwani, dismissing the appeal filed against the order dated

16.08.2019, are set aside.

The petitioner will be released on bail by the Juvenile Justice Board subject to furnishing his bail/surety bonds and on such terms and conditions as per Section 12 of the Juvenile Justice Act, 2015.

[ARVIND SINGH SANGWAN]
JUDGE

08.01.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No