

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-276-2021 (O&M)
Date of Decision:- 15.3.2021

Anurag alias Dholiya

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Mahabir Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 3.2.2021 passed by learned Additional Sessions Judge, Narnaul, whereby an appeal filed by the petitioner against order dated 27.1.2021 passed by Principal Magistrate, Juvenile Justice Board, Narnaul, declining bail in FIR No.215, dated 6.10.2020, u/s 148, 149, 323, 307, 120-B IPC and u/s 25 Arms Act, P.S. Ateli, has been dismissed.

2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein he has alleged that he is a driver and that on 6.10.2020 when he along with Manoj, Ghanshayam and Jitendra were sitting in Thar vehicle bearing registration No.HR-19H-6595 and had parked the same near Kanina Chowk, Ateli Mandi, then Ghanshayam got out of the said vehicle. In the meantime, one Bolero camper came and hit against their vehicle as a result of which their car struck against a fruit vendor's cart. It is further alleged that thereafter three more vehicles came there in which there were about 20-25 persons who started firing upon the complainant and others and also attacked with 'sticks', 'farsi', 'iron rod' and 'swords'. The complainant stated that he was shot in the palm while Manoj was shot in the hip and also sustained head injuries. After causing injuries the assailants ran away from the spot. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahu, Maandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that even if the FIR is taken to be correct, still it is only two persons who are stated to have received injuries although the accused are stated to be numbering about 30 and were carrying weapons like 'sticks', 'farsis' and 'swords'. It has been submitted that no one from the complainant side is alleged to have received any incised wound so as to substantiate the allegations.
4. On the other hand, learned State counsel has submitted that since two persons from the complainant side had sustained fire-arm injuries, the

allegations as levelled in the FIR are fully substantiated. Learned State counsel has further submitted that name of the petitioner surfaced in the disclosure statement made by co-accused Rahul, as per which the petitioner had taken Rahul to the place of occurrence on his motorcycle. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 5 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and has been subsequently nominated as an accused on the basis of a disclosure statement made by co-accused, the admissibility of which would be debatable. Several other co-accused including Chaman Parkash @ Chaman, Parvesh and Parmod alias Tola have already been ordered to be released on bail by this Court. The petitioner in any case is a juvenile. Having regard to all these facts especially that the petitioner is a juvenile, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the impugned order dated 3.2.2021 passed by learned Additional Sessions Judge, Narnaul, whereby an appeal filed by the petitioner against order dated 27.1.2021 passed by Principal Magistrate, Juvenile Justice Board, Narnaul, has been dismissed, and also order dated 27.1.2021 are hereby set aside. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty

Magistrate concerned, and subject to his surrendering passport to Court at the time of furnishing bail bonds.

7. The parents/guardian of the petitioner are however directed to closely monitor the conduct and movements of the petitioner so that he does not come in association with any criminals and conducts himself properly and does not indulge in any other offence.

March 15, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No