

CRR-1144-2019

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

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Date of decision: 09.04.2021

Deepak @ Golu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Challenge in the present revision is to the order dated 27.07.2018 passed by the learned Additional Sessions Judge, Faridabad, while invoking the powers of Juvenile Justice Act, 2015, vide which application moved by the petitioner, seeking regular bail in case bearing FIR No.529 dated 17.06.2017, under Sections 302, 397 and 34 IPC and Section 25 of the Arms Act, 1959 (added subsequently), registered at Police Station City Ballabhgarh, has been dismissed.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that he was a juvenile at the time of the alleged offence; that the petitioner was not named in the FIR, and that it was a blind murder case. It is also stated that the entire case is based on circumstantial evidence and there is no direct evidence to point

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out the role of the petitioner being responsible for the murder of deceased. The bail application of the petitioner has been dismissed by the learned Additional Sessions Judge, Faridabad, by noticing one of the facts that he is also involved in one another case bearing FIR No.19/2017, under Sections 392, 397, 411 and 34 IPC, registered at Police Station Badarpur, South Delhi, pending before the competent court. However it is argued by the learned counsel that the petitioner stands acquitted in the said case on 31.05.2018. The petitioner has been in custody since 27.07.2017.

While stoutly opposing the aforesaid submissions, the learned State counsel submits that there is a specific role attributed to the petitioner. Out of 21 prosecution witnesses, 14 have already been examined. However, he does not dispute the custody period of the petitioner and also the facts that the petitioner was a juvenile at the time of the offence and except for two cases (the present case and the case pending at Delhi), there is no other case pending or registered against the petitioner.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. The case is based on the circumstantial evidence. The petitioner has been in custody since 27.07.2017. There is nothing on record to show that the very purpose of incorporating Section 12 of the Juvenile Justice Act would be frustrated, if the petitioner is enlarged on bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present revision is allowed and the impugned order dated 27.07.2018 is set aside. The petitioner is ordered to be released on bail on his furnishing bail and surety

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bonds to the satisfaction of the concerned Additional Sessions Judge,
Faridabad.

09.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No