

In the High Court of Punjab and Haryana at Chandigarh.**CRM-M-20015-2020****Date of Decision: 08.10.2021**

Ajay Bhardwaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amitabh Tiwari , Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana
for the respondent- State.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in case, FIR No.183 dated 29.05.2019 under Sections 302, 120-B and 397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Gurugram City, District Gurugram.

Learned Counsel for the petitioner has stated that the Court of Chief Judicial Magistrate, Gurugram had passed an order dated 18.07.2019 vide which the petitioner was declared a juvenile in conflict with law at the time of commission of offence, whereas in the order dated 09.10.2019 passed by the Principal Magistrate, Juvenile Justice Board, Gurugram, a conclusion has been drawn that if the Juvenile commits an offence, then he commits it as an adult. The petitioner has been involved in the present case on the disclosure statement of the co-accused that he was doing *recci* at the

relevant moment. It is further submitted that the petitioner has been in custody since 15.07.2019. In support of his arguments learned counsel for the petitioner relies upon the judgment passed by the Co-ordinate Bench of this Court in CRM-M No. 3049 of 2018 titled as *Happy versus State of Haryana* decided on 26.10.2018.

Learned Counsel for the petitioner further submits that as per Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 there are three situations for refusal of bail to a juvenile which read as under :-

- (i) if there appear reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal;
- (ii) the release will expose the juvenile to moral, physical or psychological danger ; and
- (iii) his release would defeat the ends of justice.

It is further submitted by learned Counsel for the petitioner that the petitioner does not fall in the above said conditions and should not be denied the benefit of bail as a juvenile in conflict with law.

On the other hand, Learned State counsel has submitted that as per the disclosure statement of the petitioner and during remand the recovery had been effected from the house of the petitioner but he has not disputed the fact that petitioner has been in custody since 15.07.2019 and no other case is pending against the petitioner. The prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.07.2019. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 08, 2021
kavneet singh

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