

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

214

**CRR-1069-2021 (O&M)
Date of decision: 30.09.2021**

Sourabh Dhankhar

.....Petitioner

Versus

State of Haryana

....Respondent

Coram: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lekh Raj Nandal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 20.08.2021 passed by the Court of Additional Sessions Judge, Rohtak, whereby an appeal filed by the petitioner challenging order dated 31.05.2021 passed by the Juvenile Justice Board, Rohtak declining his bail application, has been dismissed.
2. The facts, in nutshell, are that on 29.01.2020 at about 8 PM when the complainant alongwith his father was present at their home, then 6-7 boys entered in their house and damaged their car bearing registration No.HR-12AL-2200 and that one of the said boys even fired in the air. It is alleged in the FIR that a day earlier i.e. on 28.01.2020 Sunny Narwal and Deepanshu had an altercation with them in which Deepanshu had slapped the complainant and the complainant and his friend Lokesh had also slapped them.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement made by Rohit @ Vicky, who himself is also not specifically named in the FIR. It has been submitted that the petitioner is a juvenile and that in any case none has been injured in the instant case and as such the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner even after lodging of the instant FIR has been involved in 2 other cases i.e. FIR No.64 dated 16.02.2021 under Sections 302/34 IPC and 25/54/59 Arms Act registered at Police Station Urban Estate, Rohtak and FIR No.20 dated 19.02.2021 under Sections 399/402 IPC and Sections 25/54/59 Arms Act registered at Police Station Band Kalan, District Charkhi Dadri, and as such, it is evident that the petitioner though a juvenile has clear traces of a criminal bent of mind and in these circumstances, it will not be safe to release him on bail.
5. Learned State counsel has also informed that in FIR No.64 dated 16.02.2021 under Sections 302/34 IPC and 25/54/59 Arms Act registered at Police Station Urban Estate, Rohtak, the petitioner has, however, been involved on the basis of a disclosure statement and his name is otherwise not mentioned in the FIR. Learned State counsel has also informed that the petitioner as on date has been behind bars since the last about 7 months.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that nobody has been injured in the instant case. It is the case of the prosecution that it is the co-accused Sangram, who has fired the shot and that it is a case of firing of a single shot only.

- The petitioner has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable. The petitioner has already been behind bars for a substantial period of 7 months. As informed by the learned State counsel, none out of the cited 37 Pws has been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and 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.
8. It is, however, directed that the father of the petitioner namely Vikas son of Kuldeep Singh shall regularly monitor the movement of the petitioner and also arrange for some counselling of the petitioner so as to ensure that he does not indulge into any such offence again.
9. The petition stands disposed of accordingly.

30.09.2021

VY

**(GURVINDER SINGH GILL)
JUDGE**

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No