

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

CRR-1258-2020 (O&M)  
Date of Decision:-15.1.2021

Harsh @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Kawalpreet Singh Virk, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner assails order dated 8.5.2020 vide which an appeal filed by the petitioner challenging order dated 18.3.2020 declining bail passed by learned Principal Magistrate, Juvenile Justice Board, Bhiwani has been dismissed by learned Additional Sessions Judge, Bhiwani (Duty).
2. The allegations in nutshell are that one Mukesh was found murdered who was found to be having multiple injuries. Subsequently, his wife was associated with investigation on the basis of suspicion during the course of which she admitted that she with the aid of her paramour Chetan had got her husband killed. It is further the case of prosecution that when the aforesaid

paramour Chetan was apprehended he suffered a disclosure statement that he alongwith Parveen and Harsh @ Kalu (petitioner) had killed Mukesh.

3. Learned counsel for the petitioner has submitted that it is a case of blind murder based on circumstantial evidence wherein the prosecution is trying to fill-in the gaps by concocting disclosure statements and confessions. Learned counsel has further submitted that, in any case, the petitioner is a juvenile, who has been nominated as an accused on the basis of disclosure statement allegedly made by the main accused Chetan. It has been submitted that identically situated co-accused Parveen, who was also named in disclosure statement of Chetan, has already been granted bail by this Court vide order dated 27.2.2020 and in these circumstances the petitioner also deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been nominated by the main accused Chetan, his complicity is clearly evident. It has further been submitted that the petitioner cannot claim any parity with the case of Parveen on the strength of order dated 27.2.2020 as said Parveen had already undergone custody of about 1 year and 4 months when he was ordered to be released on bail, whereas in the instant case the petitioner was apprehended on 14.3.2020 and, as such, has undergone about 10 months only.
5. I have considered rival submission addressed before this Court.
6. Having regard to the fact that the petitioner is a juvenile and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and has already been behind bars since the last 10 months and that identically situated co-accused Parveen has

already been granted bail, the petitioner also deserves the same concession. The petition, as such, is accepted. The impugned order dated 8.5.2020 passed by learned Additional Sessions Judge, Bhiwani (Duty) and order dated 18.3.2020 passed by learned Principal Magistrate, Juvenile Justice Board, Bhiwani 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.

**15.1.2021**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No