

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

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**CRR-1312-2021 (O&M)
Decided on : 02.12.2021**

CCL “M”

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by P/SI Sarina.

MANJARI NEHRU KAUL, J. (Oral)

Instant revision petition has been preferred for seeking concession of bail for the petitioner, who is a juvenile in case arising out of FIR No. 352, dated 05.05.2021, under Sections 147/148/323/452/506/354-D/34 of IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended-2015) and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Narnaul, District Mahendergarh, Haryana.

In compliance to the order dated 17th November, 2021, the learned State counsel has filed the report of the Social Investigating Officer along with the status report by way of an affidavit of Jitender Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of the respondent State, in Court today. Same

is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question, submits that it is evident that the only role attributed to the petitioner (child in conflict with law), who is a 17 years old boy, is that he telephoned the victim (also 17 years of age) a few times and told her over the phone that he loved her. Learned counsel further submits that the petitioner has now been in custody since 17th June, 2021 and there is no likelihood of the trial concluding anytime in the near future, as only two out of the 14 prosecution witnesses stand examined. It has also been submitted that the co-accused i.e. Shispal and Rinku (father and maternal uncle of the petitioner), have already been granted the concession of bail by this Court vide order dated 09th September, 2021 (Annexure P-7).

On the other hand, learned State counsel while opposing the prayer of the learned counsel for the petitioner, has submitted that as per the report of the Legal-cum-Probation Officer, Mahendergarh at Narnaul, which has been annexed as Annexure R-2 along with the status report filed today in Court by the respondent-State, the juvenile petitioner committed the offence in question on account of sheer influence. He has, however, conceded that no other adverse report has been made by the said Legal-cum-Probation Officer. He has also not disputed the submissions made by the counsel opposite *qua* the role attributed to the petitioner in the crime in question.

Heard.

In the facts and circumstances as enumerated hereinabove,

coupled with the fact that only 02 out of the 14 prosecution witnesses cited, have been examined so far, therefore, there is no likelihood of the trial concluding anytime in the near future, the petition is allowed. The petitioner is directed to be released on bail subject to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Narnaul. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made by learned State counsel that stringent conditions be imposed upon the petitioner, so that he does not come under the influence of anti-social elements and criminals. Taking into consideration the vulnerable age of the revisionist, this Court is in consonance with the learned State counsel's prayer and deems it fit to enlarge him on bail subject to the satisfaction of Principal Magistrate, Juvenile Justice Board, Narnaul along with the following conditions.

- i) The father and mother of the petitioner shall ensure that he does not come in association with a person of criminal antecedents and is not exposed to any physical, moral and psychological danger.
- ii) The father and mother of petitioner shall ensure that he is provided formal/informal education to enable him to get gainful employment in future.
- iii) The father and mother of the petitioner shall file an affidavit to this effect before the Principal Magistrate, Juvenile Justice Board, Narnaul.
- iv) They shall take good care of the petitioner and adhere

to the above mentioned conditions, failing which, the concession of bail granted to petitioner, would be liable to be cancelled.

(MANJARI NEHRU KAUL)
JUDGE

December 02, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*