

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

CRR-351-2022 (O&M)
Date of Decision:- 07.12.2022

Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rubai J Singh, Advocate with
Ms. Anjali Sheoran, Advocate, for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 27.1.2022 passed by Additional Sessions Judge, Hisar, whereby an appeal filed by the petitioner challenging order dated 13.1.2022 passed by learned Principal Magistrate, Juvenile Justice Board, Hisar dismissing his application for grant of bail, has been dismissed.
2. The FIR in question i.e. FIR No. 1135, dated 14.12.2021, Police Station Hisar Sadar, Hisar, under Sections 148, 149, 302, 323, 342, 367, 506 IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was lodged at the instance of Sandeep (complainant) pertaining to death of Vinod. It is alleged

in the FIR that on 14.12.2021 accused Sandeep, Sunil, Golu, Deepu, Sanjay and Vijay accompanied by 4/5 other persons gave beatings to the complainant as well as to Bhal Singh and to deceased Vinod. It is further the case of prosecution that Vinod ultimately succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of supplementary statement of the complainant recorded on 15.12.2021. It has further been submitted that admittedly the petitioner is a juvenile and has been behind bars since the last more than one year and as such deserves the concession of bail.
4. Opposing the petition, learned State counsel submits that since the petitioner has been specifically named in the supplementary statement recorded on the very next day of occurrence and is alleged to have inflicted injuries to the deceased, his complicity is clearly evident. It has been informed that the petitioner otherwise has been behind bars since the last more than 1 year and is not involved in any other case. It has been informed that as on date none out of the cited 21 PWs has been examined.
5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is a juvenile. He has been behind bars since the last more than 1 year. Conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 21 PWs has been examined till date. In these circumstances further detention of the petitioner who is a juvenile will not serve any

useful purpose. The petitioner otherwise enjoy a clean record and is not stated to be involved in any other case.

7. Having regard to the totality of facts and circumstances of the case particularly the fact that the petitioner was a juvenile at the time of the commission of offence, the petition merits acceptance and is hereby accepted. The impugned orders dated 27.1.2022 passed by Additional Sessions Judge, Hisar and order dated 13.1.2022 passed by learned Principal Magistrate, Juvenile Justice Board, Hisar are hereby set aside and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is further directed that the parents of the petitioner shall ensure that the movement and conduct of the petitioner is duly monitored, so that he does not come in association with any criminal and maintains a good conduct. Some kind of counselling be also provided to the petitioner, who is a juvenile, so as to ensure that he maintains a good conduct.

07.12.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No