

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

211

CRR-408-2022 (O&M)
Date of decision: 08.03.2022

SACHIN

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Manvinder Singh Dalal, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-7757-2022

For the reasons mentioned in the application, the same is allowed and
Annexures P-1 and P-2 are taken on record.

CRR-408-2022

The instant revision petition has been filed impugning the order dated 24.05.2021 passed by the Sessions Judge, Kaithal in Criminal Appeal No.03/2021 and the order dated 01.04.2021 passed by learned Principal Magistrate, Juvenile Justice Board, Kaithal dismissing the regular bail application filed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in case FIR No.323 dated 15.08.2020 under Sections 379-B, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner points out that the petitioner has been declared as a Juvenile. He has no role play in the occurrence in question. It

is further contend that he is alleged to be one amongst the four assailants who had allegedly pounced upon the complainant. The injuries on the complainant suggest that both the injuries were blunt. It is contended that upon conclusion of the investigation, the role attributed to the petitioner was that he accompanied the other assailants and there is no other overt act attributed to the petitioner. The bail application filed by the petitioner has been dismissed solely on the ground that upon being released, there is likelihood the petitioner creating pressure on the witnesses and misuse the concession of bail. Reference was also made to the order dated 13.01.2021 passed in CRA-01-2021 in the matter of Bhim Singh @ Kala that had been dismissed by the Sessions Judge, Kaithal.

Learned counsel argues that the revision petition filed by co-accused Kala @ Bhim Singh was allowed by this Court vide order dated 07.02.2022 passed in CRR-198-2022 (O&M) and he has been granted the concession of bail and claims parity.

Learned counsel appearing on behalf of the State has opposed the petition that the petitioner was an assailant along with other persons who have committed the offence.

Learned State counsel, however, could not deny the fact that there is no specific role attributed to the petitioner. It is acknowledged and admitted by the learned State counsel that co-accused Kala @ Bhim Singh has already been granted concession of regular bail vide order dated 07.02.2022 passed in CRR-198-2022. He fairly concedes that the case of the petitioner is at par with Kala @ Bhim Singh.

Having considered submissions of the parties and considering that case of the petitioner stands at par with that of the co-accused Kala @ Bhim Singh.

The instant revision petition is allowed.

The petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice board/Chief Judicial Magistrate, Kaithal.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 08, 2022
vishal sharma

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