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

**CRM-M-11948-2022
Date of Decision: 21.09.2022**

Anil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Gautam, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition was directed to be heard along with CRM-M-14657-2022. Today, it was pointed out by the learned counsel for the parties that the other accused in the aforesaid criminal miscellaneous petition is not a juvenile whereas the present petitioner is a juvenile and the trial is being conducted separately.

In view of the above, the present petition is hereby segregated from the aforesaid case.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.489 dated 30.08.2016, under Sections 302, 307, 379-B, 148, 149, 332 & 353 of the IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Meham, District Rohtak.

It has been submitted by learned counsel for the petitioner that the petitioner, who is a juvenile and he was a child in conflict with law, since he was less than 18 years of age at the time of alleged occurrence. Thereafter, during the course of inquiry before the Juvenile Justice Board, he was directed to be treated as an adult, and thereafter, the matter was sent to the Sessions Court for the purpose of trial. He further submitted that the petitioner is in custody from 07.09.2016, which is more than 6 years and for long period of time, no witness was examined, but now as per the learned State counsel, only 2 out of 48 cited witnesses have been examined. He also submitted that the petitioner has got clean antecedents and earlier he was involved in one case under Section 377 IPC and Section 6 of the POCSO Act but he has already been acquitted in that case. He further submitted that even as per the FIR itself the petitioner was not even named in the FIR and allegations were against two co-accused, who had grudge against the deceased but the name of the present petitioner was nominated on the basis of disclosure statement of the co-accused, which was not admissible in evidence *per se*. He also submitted that be that as it may the petitioner, who is a juvenile, has faced incarceration for more than 6 years, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, DAG, Haryana has stated that it is correct that the petitioner is in custody since 07.09.2016, which is more than 6 years and up till now only 2 out of 48 cited witnesses have been examined. He further submitted that even as per the affidavit filed by the State, the petitioner was earlier involved in one case under Section 377 IPC and Section 6 of the POCSO Act, but he has now been

acquitted in that case.

I have heard the learned counsel for the parties.

The petitioner is a juvenile, who is being tried as an adult by the Sessions Court. As per the learned counsel for the parties, the petitioner has faced incarceration for more than 6 years and only 2 out of 48 cited witnesses have been examined till date and it appears that the trial of the case is going at very slow pace. The petitioner is not involved in any other case, except in one case, in which he has already been acquitted. Therefore, considering the long custody of the petitioner, this Court is of the view that the petitioner deserves the concession of bail.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

21.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |