

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

**CRA-S-794-2021 (O&M)
Date of decision: 27.04.2022**

Rohit ... Appellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Partap Singh, Advocate for the appellant.

Mr. Pawan Kumar Jhanda, AAG Haryana

Mr. Gautam Dutt, Advocate and
Ms. Jasleen Chahal, Advocate and
Mr. Puneet Bali, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present appeal is to the order dated 15.01.2021 passed by the learned Additional Sessions Judge, Children's Court, Karnal, vide which bail application filed by the appellant under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in case bearing FIR No.977 dated 30.11.2018, registered at Police Station Assandh, under Sections 364, 365, 302, 201, 120-B, 468, 471 read with Section 34 IPC and Section 25 of the Arms Act, 1959, has been dismissed.

Status report by way of affidavit dated 15.02.2022 of the Deputy Superintendent of Police, Headquarters, Karnal, already filed in the Registry, is taken on record.

Learned counsel for the appellant contends that initially, the FIR

was registered against some unknown persons under Section 365 IPC; that when the dead-body of Prince Kumar @ Happy was recovered and Sections 302, 364, 201, 120-B read with Section 34 IPC and Section 25 of the Arms Act, 1959 were inserted in the FIR; that the appellant has been indicted on the basis of a disclosure statement of co-accused Nitesh; that the appellant was arrested on 14.12.2018 i.e. after a period of 14 days of the alleged occurrence; that the appellant was a child-in-conflict with law; that no recovery was effected from the appellant and the car in questions does not belong to the appellant in any manner and that the remaining prosecution witnesses are yet to be examined. There is no other case pending or decided against the appellant.

Learned State counsel assisted by the learned counsel for the complainant, while vehemently opposing the prayer for bail submit that the appellant has actively participated in the crime and the appellant was declared adult (more than 16 years) by the Principal Magistrate, Juvenile Justice Board, Karnal, vide order dated 30.04.2019. Prince Kumar @ Happy was brutally murdered by the appellant and the co-accused by inflicting as many as 26 injuries upon him and eye-witness Balwinder (PW-1), Rajesh Kumar (PW-2) and complainant Sunil Kumar (PW-3) have supported the prosecution version. The recovery of a silver chain and shoes of the deceased has been effected from the appellant. However, learned State counsel does not dispute the custody period of the appellant and that the appellant is not involved in any other case. He submits that out of 34 prosecution witnesses, 5 have been examined.

I have heard the learned counsel for the parties.

The appellant has been in custody since 14.12.2018. 29 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the appellant behind the bars.

Keeping in view the custody period of the appellant and there being no other case pending or decided against the appellant, the appeal is allowed. The impugned order dated 15.01.2021/07.04.2021 passed by the learned Additional Sessions Judge, Children's Court, Karnal, is set aside. The appellant is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.04.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No