

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

CRR-1227-2020 (O&M)
Date of Decision:-6.12.2022

Sanjay and another ... Petitioners

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners assail order dated 08.10.2020 passed by Additional Sessions Judge, Panipat, whereby an appeal filed by the petitioners challenging order dated 23.09.2020 passed by learned Juvenile Justice Board, Panipat dismissing their application for grant of bail, has been dismissed.
2. The FIR was lodged at the instance of Gulab Singh, wherein it is alleged that on 27.05.2020 his nephew Sahil was called by his co-villagers Sanjay, Suresh, Ankit, Sunil, Vinod, Dharambir, Harun & Om Parkash and all of them in connivance with each other murdered his nephew by inflicting injuries with gandasi and knives and thereafter threw him in canal.
3. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and that the petitioners admittedly are

juveniles and since they have been behind bars for a substantial period of about 2½ years and the trial is proceeding at snail's pace, they deserve the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioners were aged about 17 years and were matured enough to know about the consequences of their acts, they cannot escape from their liability for having murdered the complainant's nephew. It has further been submitted that since it is a case of heinous nature, the petitioners despite being juveniles, do not deserve to be released on bail. Learned State counsel has further informed that in the present case one of the eye-witnesses had prepared a video with his mobile phone, which clearly shows the involvement of the petitioners. Learned State counsel has, however, informed that the petitioners have been behind bars since the last about 2½ years and are not involved in any other case. It has also been informed that as on date 6 PWs out of the cited 28 PWs have been examined.
5. This Court has considered the rival submissions.
6. There is no dispute as regards the fact that the petitioners are specifically named in the FIR and there are specific allegations levelled in the FIR qua them. The deceased was found to have sustained 13 injuries and the cause of death has been opined to be drowning. However, at the same time, this Court cannot lose sight of the fact that both the petitioners are juveniles and have been behind bars for a substantial period of 2½ years. Conclusion of trial is likely to consume time inasmuch as only 6 PWs out of the cited 28 PWs have been examined so far. The petitioners otherwise enjoy a clean record and are 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 both the petitioners were juvenile at the time of the commission of offence, the petition merits acceptance and is hereby accepted. The impugned orders dated 08.10.2020 passed by Additional Sessions Judge, Panipat and order dated 23.09.2020 passed by learned Juvenile Justice Board, Panipat are hereby set aside and the petitioners are ordered to be released on bail subject to their 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 petitioners shall ensure that the movement and conduct of the petitioners is duly monitored, so that they do not come in association with any criminal and maintain a good conduct. Some kind of counselling be also provided to the petitioners, who are juveniles, so as to ensure that they maintain a good conduct.
9. The revision petition stands disposed off accordingly.

6.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No