

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

CRM-M-39144 of 2022(O&M)

Date of Decision: 29.10.2022

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ashit Malik, Advocate
 For the petitioner.**

Mr. Parveen Kumar Aggarwal, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 420 dated 10.10.2021, registered under Sections 148, 149, 302, 323 and 324 IPC, Section 25 of Arms Act and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Sadar Sonapat.

The counsel for the petitioner submits that the petitioner is aged about 17 years and is languishing behind the bars since 15.11.2021. The counsel for the petitioner further submits that during the trial complainant/injured Aman and Sultan father of deceased Krishan, have not stated anything against the present petitioner in their testimony and copies of their statements are furnished which are taken on record. The counsel for the petitioner further submits that on the same basis co-accused Manoj has been granted regular bail by this Court vide order dated 04.08.2022 in CRM-M 16755 of 2022. The counsel for the petitioner further submits that it will take

time for the trial to conclude and no useful purpose is going to be served by keeping the petitioner behind the bars for any longer period.

The present petition is contested by State counsel who has not disputed the fact that during trial the material witnesses namely Aman and Sultan have been examined and that they had not stated anything against the present petitioner.

I have considered the submissions made by counsel for the parties.

The FIR in this case was lodged on the basis of the statement of Aman in which he stated that at the time of occurrence Meeta Khanpuria, Kishori, Pardeep, Davinder and present petitioner were present and Pardeep put his pistol on the forehead of the complainant and then Meeta, Kishori, Davinder and present petitioner started giving beatings to the complainant and Krishan with wooden *dandas* and Pardeep also gave blow of spade's handle on the head of the complainant. The complainant and Krishan raised alarm on which the above-said persons ran away from there and Krishan died lateron.

The petitioner was arrested in this case on 15.11.2021 and after completion of investigation the police presented the challan and thereafter charges were framed and during trial material witnesses namely complainant/ injured Aman and Sultan, father of deceased Krishan are examined and copies of their statements are available on the record. Both the said witnesses have not named the present petitioner in their testimony. It will take considerable time for the trial to conclude. Co-accused Manoj has been given benefit of bail by this Court vide order dated 04.08.2022. This

Court is of the opinion that no fruitful purpose is going to be served by keeping the petitioner (juvenile) in custody for any longer period.

In view of the above, without commenting on the merits of the case the instant petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of personal bond through his father with one surety to the satisfaction of learned trial Court/ Chief Judicial Magistrate/ Duty Magistrate concerned subject to the following conditions:-

- (i) the father shall take care of the petitioner and make provisions for providing him education;*
- (ii) the father shall also take care that in future the petitioner does not come in association with any known criminal or a person of doubtful character and is not exposed to any physical, moral and psychological danger;*
- (iii) the father shall also assure that the petitioner will be produced before the trial Court by him as and when called to do so by the Court concerned.*

29.10.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No