

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

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CRR-2245-2022

DECIDED ON: 28th OCTOBER, 2022

SOHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant revision petition is filed under Section 439 Cr.P.C. read with Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2000 read with Section 167(2) Cr.P.C for the grant of regular bail to the petitioner in case FIR No. 241, dated 06.06.2020, under Sections 148, 149, 302 IPC (Sections 148 & 149 deleted later on) (Section 34 IPC added later on), registered at Police Station Kharkhoda.

Learned counsel for the petitioner contends that the petitioner was declared juvenile and has not been named in the FIR. It is only on the basis of disclosure statement, which was made 5-6 months ago, name of the petitioner was roped in.

The co-accused namely Deepak, who gave stone injuries to Vikas-deceased, has already been granted the concession of regular bail by this Court vide order dated 12.09.2022 passed in CRM-M-40722-2022. He submits that the petitioner is in custody since 07.06.2020, as such he is behind the bars for the last more than two years.

Notice of motion.

On the asking of Court, Mr. Chetan Sharma, AAG, Haryana accepts notice on behalf of respondent-State. He argues that the allegation against the petitioner is serious in nature, therefore, he does not deserve the concession of regular bail.

This Court cannot lose sight of the fact that the co-accused Deepak has already been granted the concession of regular bail by this Court and the fact that the trial is likely to take long time to conclude. Moreover, no incriminating material has been produced against the petitioner inasmuch as stone used in the commission of offence was got recovered at the instance of Deepak, who is already admitted on regular bail, whereas allegation qua the petitioner is with regard to blow given by an iron rod is concerned, the iron rod stands recovered.

Keeping in view the custody undergone by the petitioner and the fact that the trial is likely to take sufficient time to conclude, the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28th OCTOBER, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>