

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRR-795-2023

Date of decision: 29.03.2023

Ram Bhagat alias Golu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner, who is a juvenile, is seeking setting aside of the order dated 20.12.2022 passed by learned Additional Sessions Judge, Hisar and order dated 08.12.2022 passed by learned Principal Magistrate, Juvenile Justice Board, Hisar whereby he was declined the benefit of bail in case FIR No.987 dated 25.11.2022 under Sections 147, 148, 324 and 326 of the IPC registered at Police Station Azad Nagar, Hisar.

Learned counsel for the petitioner submits that the petitioner, who is a juvenile, has been in custody since 04.12.2022 and there is no likelihood of the trial concluding in the near future as the evidence is due to commence on 06.04.2023 and as many as 10 prosecution witnesses have been cited by the prosecution. Learned counsel submits that even otherwise the petitioner has just been attributed an injury on the foot of the complainant inviting the mischief of Section 324 of the IPC.

Per contra, learned State counsel while opposing the prayer

and submissions made by the counsel opposite, on instructions from SI Mehar Singh, submits that no doubt investigation is complete, however, the petitioner was part of the unlawful assembly which assaulted the complainant. However, learned State counsel has not been able to controvert that the petitioner has not been attributed injury attracting the mischief of Section 326 of the IPC which has been instead attributed to co-accused Prem. Learned State counsel on instructions has apprised the Court that the petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner, who admittedly is a juvenile, has been in custody since 04.12.2022. As many as 10 prosecution witnesses have been cited and the trial has not yet commenced, hence, there is no likelihood of the trial concluding in the near future.

In the facts and circumstances as enumerated hereinabove, the instant revision petition is allowed and the impugned orders dated 20.12.2022 and 08.12.2022 are set aside. However, taking into consideration the vulnerable age of the petitioner, he is ordered to be enlarged on bail subject to the satisfaction of Principal Magistrate, Juvenile Justice Board, Hisar along with following conditions:

- i) The father and mother of the petitioner shall ensure that he does not come in association with a person of criminal antecedents and is not exposed to any physical, moral and psychological danger.
- ii) The father and mother of the petitioner shall file an

affidavit to this effect before the Principal Magistrate,
Juvenile Justice Board, Hisar.

iii) They shall take good care of the petitioner and adhere
to the above mentioned conditions, failing which, the
concession of bail granted to petitioner, would be liable to
be cancelled.

The State is, however, granted liberty to approach this
Court for cancellation of bail in case the petitioner is subsequently
found misusing the concession of bail granted to him or being involved
in some other criminal case.

However, it is made clear that anything observed
hereinabove shall not be construed to be an expression of opinion on
the merits of the case.

29.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No