

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

CRA-S No.1013 of 2022 (O&M)
Date of decision: 16th February, 2023

Juvenile in conflict with law

... Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harikesh Singh, Advocate for the appellant.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondents/State.

MANJARI NEHRU KAUL, J.

The appellant, who is a child in conflict with law, is seeking setting aside of the order dated 22.09.2021 passed by learned Special Judge, Children Court, Kaithal whereby the appellant has been declined the benefit of bail in case FIR No.102 dated 15.02.2018 under Sections 302, 396, 397, 483, 201, 120-B IPC and Section 25 of the Arms Act, 1959 registered at Police Station City, Kaithal.

Learned counsel for the appellant, while drawing the attention of this Court to the FIR in question, submits that the FIR was registered against three unknown boys and it was later-on pursuant to the statement of Jai Bhagwaj alias Bhanu recorded under Section 161 Cr.P.C., the appellant was made an accused in the case in hand and arrested on 18.02.2018. He has been in custody ever since then and there is no likelihood of the trial concluding in the near future as only 9

prosecution witnesses including the complainant out of the total 52 cited have been examined till now. It has also been submitted that though the appellant was involved in another criminal case at Ambala, however he stands acquitted in the said case.

Learned State counsel has filed status report by way of affidavit of Ravinder Sangwan, DSP, Kaithal, which is taken on record and a copy thereof supplied to the counsel opposite. While opposing the prayer and submissions made by the counsel opposite, on instructions learned State counsel was not able to dispute that the appellant was not named in the FIR in question. He submitted that the FIR was registered against three unknown masked persons, who while riding a scooty fired at the complainant party, who were traveling in a car. The complainant party was carrying ₹ 7.00 lakhs, which were sale proceeds from the Liquor Vend where they were working. After firing at them including the deceased Sandeep, the three assailants fled away after snatching the bag containing ₹7.00 lakhs. As a result of the firing, the deceased succumbed to the firearm injuries. Learned State counsel, on further instructions, has not disputed that in the other criminal case registered against the appellant at Ambala, the appellant stands acquitted.

I have heard learned counsel and perused the relevant material on record.

The appellant, who is a juvenile, has been in custody for almost five years, having been arrested on 18.02.2018. As many as 43 prosecution witnesses remain to be examined. Thus, the trial is unlikely to conclude in the near future. As per instructions received by the

learned State counsel, the complainant and eye-witnesses stand examined. This Court in the aforesaid circumstances, deems it fit to extend the concession of bail to the appellant.

Accordingly, the instant appeal is allowed and the impugned order is set aside. However, taking into consideration the vulnerable age of the appellant, this Court deems it fit to enlarge him on bail subject to the satisfaction of learned Children Court/Duty Magistrate, Kaithal along with following conditions:

- i) The parents of the appellant 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 parents of the appellant shall file an affidavit to this effect before the Children Court/ Duty Magistrate, Kaithal.
- iii) They shall take good care of the appellant and adhere to the above mentioned conditions, failing which, the prosecution would be at liberty to approach this Court for cancellation of bail granted to the appellant.

(MANJARI NEHRU KAUL)
JUDGE

February 16, 2023

rps

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