

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

Sr. No.227

CRA-S-1938-2022

Date of decision: 30.01.2023

Rahul

....Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Khatkar, Advocate
for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Narender Kaajla, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present appeal has been filed under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short – the Act) to challenge therein order dated 22.09.2022 passed by the Children Court, Hisar through which the appellant has been denied bail in FIR No.212 dated 13.04.2022 registered under Sections 147, 148, 149, 323 and 302 IPC at police station Narnaund, district Hisar.

Learned counsel for the appellant contends that at the time of the alleged occurrence the appellant was a juvenile aged 17 years; the appellant has no other criminal antecedents; in the social background report submitted in the case of the appellant in terms of Section 12 of the Act it has inter-alia been stated that the appellant is a studious boy who does not consume alcohol, drugs and rather likes to read books and plays outdoor games; in the afore report it has further been submitted that majority of

the appellant's friends are educated and that he himself is a studious child; the appellant is in custody since 02.05.2022; investigation in the case is complete and therefore, he is not in a position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the fatal injuries on the deceased are not attributed to the appellant; the appellant, alongwith five others, is attributed fists blows on the deceased and therefore, no specific injury can be pin-pointed to have been caused by the appellant and that since 20 prosecution witnesses still remain to be examined in the appellant's trial, the same will take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the appellant be directed to be released on regular bail. Resultantly, subject to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Hisar/Duty Magistrate, Hisar, who shall insist upon two heavy local sureties, the appellant is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present appeal and the same would not be construed to be an expression of opinion on the merits of the case.

January 30, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No