

121

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

**CRA-S-2590-2023 (O&M)  
Date of decision : 29.11.2023**

Vikas

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Sanpreet Sandhu, Advocate,  
for the appellant.

Mr. Kiran Pal Singh, AAG, Haryana.

**MAHABIR SINGH SINDHU, J.**

Present appeal has been filed under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, 'the Act'), for setting aside of order dated 07.06.2023, passed by learned Additional Sessions Judge, Rohtak, whereby, application under Section 12 of the Act for grant of bail pending trial to the appellant in FIR No.93 dated 08.03.2019, under Sections 302, 449, 120-B read with Section 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'); and Sections 25 & 27 of the Arms Act, registered at Police Station Sadar, Rohtak, was dismissed.

2. Allegations are that appellant along with his co-accused committed murder of one Rampal, uncle of the complainant-Deepak Rathi, with a firearm.

3. Reply filed by way of affidavit of Mr. Rakesh Kumar, HPS, Deputy Superintendent of Police, Sampla, Rohtak, dated

18.11.2023, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

4. Contends that appellant is not named in the FIR; he is in custody for the last more than 04 years and 07 months; trial is likely to take sufficient long time; thus, he be granted the concession of bail pending trial.

5. *Per contra*, learned State counsel, while making reference to para 9 of the aforesaid affidavit, submits that appellant is facing various criminal cases including 02 other murder cases; thus he is having a chequered history and as such, does not deserve the concession. Further submitted that in the present case, appellant is the main accused and in case he is released on bail, he may tamper with the evidence in view of the motive attributed regarding 05 acres land of the deceased.

6. Heard both sides and perused the paper-book.

7. Section 12(1) of the Act deals with provisions of bail to be granted to a juvenile and which reads as under:-

***“Section 12. Bail to a person who is apparently a child alleged to be in conflict with law. (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:***

*Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the*

*said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.*

*(2) to (4) .... ..”*

8. In the instant case, allegations against the appellant are very serious in nature. Moreover, appellant is facing numerous criminal cases and for reference, para 9 of the affidavit is reproduced as under:-

*“9. That as per police record the following cases have been found registered against the appellant:-*

- (a) FIR No.31 dated 23/1/2017 U/s 379 IPC P.S. –Civil Lines, Rohtak. In the said case the appellant has been ordered to undergone vide order dated 19/7/2018.*
- (b) FIR No.292 dated 13/6/2017 U/s 25, 54, 59 Arms Act P.S. –Sampla Distt. –Rohtak. In the said case the appellant has been ordered to undergone vide order dated 15/10/2022.*
- (c) FIR No.434 dated 11/8/2017 U/s 379-B, 420, 34 IPC & 25 Arms Act P.S. –Bahadurgarh.*
- (d) FIR No.1075 dated 28/10/2017 U/s 323, 506, 34 IPC & 3 S.C./S.T. Act P.S. –Sadar, Hissar. In the said case the appellant has been acquitted by Ld.J.J.B. vide order dated 21/9/2021.*
- (e) FIR no.452 dated 11/5/2018 U/s 323, 324, 506, 34 IPC P.S. –Sadar, Hissar. In the said case the appellant has been ordered to undergone vide order dated 26/10/2018.*
- (f) FIR No.27 dated 4/3/2019 U/s 379 IPC P.S.- IMT Rohtak. In the said case the appellant has been acquitted vide order dated 19/5/2023.*
- (g) FIR No.120 dated 6/3/2019 U/s 379-B, 414 IPC & 25 Arms Act P.S.-Sampla. In the said case the appellant has been granted bail vide order dated 28/3/2023 and now he is facing trial.*

- (h) *FIR No.80 dated 7/3/2019 U/s 379-8, 395, 392 IPC & 25 Arms Act P.S.-Asodha Distt.- Jhajjar. In the said case the appellant is facing trial and said case is fixed for 27/3/2024 for prosecution evidence.*
- (i) *FIR No.89 dated 9/3/2019 U/s 302, 34 IPC & 25 Arms Act P.S.-Kundli Distt.-Sonepat. In the said case the bail of appellant has been dismissed vide order dated 19/7/2023.*
- (j) *FIR No.119 dated 14/3/2019 U/s 148, 149, 302, 506, 120-B, 216 IPC & 25 Arms Act P.S.-Rai, Sonepat. In the said case the appellant has been granted bail vide order dated 30/5/2023.*
- (k) *FIR No.120 dated 14/3/2019 U/s 186, 353, 307, 392, 397, 506, 34 IPC & 25, 27, 54, 59 Arms Act P.S.- Baba Haridass Nagar, Delhi.*
- (l) *FIR No.45 dated 19/2/2022 U/s 148, 149, 323, 307 IPC & 42-A Prisoner Act P.S.- Sadar, Jhajjar. In the said case the appellant has been granted bail vide order dated 19/7/2023.”*

9. Perusal of aforesaid extract reveals that appellant is having a criminal background; thus, in case released on bail, it would be most likely to bring him in the association of criminals. Even release of appellant at this juncture may expose him to moral, physical and psychological danger; thus will defeat the ends of justice.

10. In view of the above, there is no option, but to affirm the order impugned dated 07.06.2023; and dismiss the appeal, at this stage.

11. Ordered accordingly.

12. However, taking into consideration the custody of appellant, learned Additional Sessions Judge, Rohtak is requested to proceed in the matter expeditiously, without granting unnecessary adjournment(s) to either of the parties and progress report be sent to the Registry by 31.03.2024.

13.           The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
14.           Pending application(s), if any, shall also stand disposed off.

**29.11.2023**  
*atulsethi*

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

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|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |