

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRR No. 2234 of 2023 (O&M)
Decided on :16.10.2023

Juvenile Mohit

. . .Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr.Ram Kumar Saini, Advocate and
Mr. Ankit Saini, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana,
Assisted by ASI Rajesh.

HARSIMRAN SINGH SETHI , J. (Oral)

The present criminal revision petition has been filed challenging the orders dated 14.09.2023 and 20.09.2023 by which, the grant of regular bail in favour of the petitioner has been denied by the Court below.

The claim of the petitioner in the present petition is for the grant of regular bail in respect of FIR No. 294 dated 01.05.2023 registered under Sections 323, 324, 506, 452, 307, 34 of the Indian Penal Code, Sections 25/54/59 of the Arms Act and Section 3 (2) (v) of the SC/ST Act at Police Station City Hansi.

Learned counsel for the petitioner argues that there are four accused in the present FIR including the petitioner and the allegations against them are that three accused had inflicted injuries upon the victim who is a school teacher by entering into the school premises so as to teach lesson to the said school teacher and the fourth accused helped them to escape from the place of occurrence. Learned counsel for the petitioner submits that as of now nothing has come on record that the petitioner has inflicted any injury upon the victim though, he concedes the fact that there are three injuries

which were suffered by the victim on his person and one of the injury has been described to be dangerous to life.

Learned counsel for the petitioner further submits that other three co-accused have already been granted the concession of regular bail, but the petitioner has not been extended the said benefit and the prayer of the petitioner for regular bail has been rejected by the Court below, which is under challenge in the present petition.

Learned counsel for the petitioner argues that once there is no specific allegation which has come on record even in the challan that the petitioner has inflicted one of the injury received by the victim, keeping the petitioner behind bar through the entire period of trial and that too being a juvenile, will cause the serious prejudice to the petitioner not only physically but even mentally as well. Hence, the petitioner may kindly be granted the concession of regular bail.

Per contra, learned State counsel submits that investigation has already been concluded and challan has been presented before the competent Court of law and charges have also been framed against all the accused. Learned State counsel also concedes the factum that the other three co-accused have already been granted concession of regular bail by competent court of law. Learned State counsel further submits that out of 24 prosecution witnesses cited, only one has been examined so far.

I have heard learned counsel for the parties and have gone through the case file with their able assistance.

It is a conceded fact that the petitioner is a juvenile. It is also a conceded fact that the investigation in the case is already over and the challan has already been presented and out of 24 prosecution witness cited, only one has been examined so far. Keeping in view the status of the trial, it

is is likely that trial will take some time to conclude, the question arises, whether, the petitioner should be kept behind the bars through the entire period of the trial or not?

The arguments of the learned counsel for the petitioner is that petitioner is not only juvenile but there is nothing on record so far that the petitioner inflicted one of three injuries which have been suffered by the victim. Hence, once there is no evidence which has been brought on record to prove the fact that the petitioner inflicted one of the injury suffered by the victim, the petitioner is entitled for concession of regular bail as the petitioner undertakes before this Court that he will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner.

Learned State counsel submits that once there was three assailants who have entered the class room each with a weapon and there are three injuries suffered by the victim, the petitioner cannot deny that he had also inflicted one of the injury.

Learned counsel for the respondent-state submits that the weapon recovered from the petitioner has already been sent for forensic examination to find out the traces of blood to find out as to whether, he had inflicted any injury upon the victim or not, but, as per the CCTV footage, he was seen running out of the class room which is a matter of fact.

Merely the fact of running out of the class room will not prove that the petitioner had caused any injury as the same will depend upon the forensic examination of the weapon recovered from the petitioner or the evidence which will come on record during the trial.

As the forensic examination of the weapon is yet to be received and nothing has been brought to the notice of this Court that as of now, any

material evidence has come on record to show that petitioner has inflicted one of the injury suffered by the victim especially the one which was described as dangerous to life , the prayer of the petitioner for the grant of regular bail is accepted keeping in view the fact that he is a juvenile and trial is likely to take some time before it is concluded coupled with the fact that all the other co-accused have already been granted the concession of regular bail and also the fact that petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner.

In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

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

(HARSIMRAN SINGH SETHI)
JUDGE

16.10.2023

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*