

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 223

CRR-2467-2022

Date of decision : 17.01.2023

Vishal

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.N.Saini, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 401 Cr.P.C. read with Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 the petitioner seeks regular bail in FIR No.568 dated 26.10.2020 registered under Sections 148, 149, 302 and 506 IPC at Police Station Quilla, District Panipat.

The petitioner and his co-accused are being prosecuted for the murder of Ankit.

Learned counsel for the petitioner submits that the petitioner is a juvenile; he is in custody since 29.10.2020; he does not have any other criminal antecedents; investigation in this case is complete and therefore the petitioner is in no position to influence the same; the main accused-Naveen, who is alleged to have given the fatal blow to the deceased, has been granted regular bail by the Trial Court; in Naveen's trial the complainant (brother of the deceased) who is also the alleged eye witness has not towed the line of the prosecution and that since the petitioner's trial has not yet begun, and as and when it begins, it will take a long time to conclude.

Learned State counsel admits to the period of incarceration of the petitioner but opposes grant of bail to him on the ground that his trial is yet to begin which he may influence if he is granted bail.

The petitioner is a juvenile; he is in custody since 29.10.2020; he does not have any other criminal antecedents; investigation in this case is complete and therefore the petitioner is in no position to influence the same; the main accused-Naveen, who is alleged to have given the fatal blow to the deceased, has been granted regular bail by the Trial Court; in Naveen's trial the alleged eye witness has turned hostile and that since the petitioner's trial has not yet begun, as and when it begins, it is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Panipat the petitioner 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 regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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