



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

CRR-287-2024

Date of decision: 28.10.2024

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail in a criminal case having FIR No. 184 dated 03.05.2023, under Sections 302, 341 read with Section 149 IPC and Sections 147 and 148 IPC, Police Station Agroha, District Hisar.

2. The brief facts of the case are that as per allegations appearing in the FIR, Jasbir, Manu, Kulwant along with two other unknown persons committed murder of Ram Chander and Renu, using various weapons. During investigation, the name of present petitioner (a juvenile) was surfaced in the disclosure statement of co-accused Jasbir. Accordingly, petitioner was nominated as accused and taken into custody.

3. Counsel appearing on behalf of the petitioner submits that the entire case is based on circumstantial evidence and petitioner was less than 16 years of age at the time of occurrence and is lodged in place of safety for the last more than 1 year and 5 months. That trial/inquiry is going on before



the Juvenile Justice Board wherein six witnesses out of total 32 witnesses are examined on behalf of the prosecution. It is further submitted that during investigation, no weapon or any incriminating substance was recovered at the instance of the petitioner who is having no criminal antecedents. The counsel for the petitioner further submits that the net result is that whatever punishment is to be provided, the same cannot exceed a period of 3 years in the present case, the petitioner being below 16 years of age at the time of occurrence in question. That it will take time for the inquiry to conclude and as such, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that petitioner is facing grave charges being involved in a double murder case. However, the State counsel has not disputed the fact that the petitioner who is in custody for the last more than 1 year and 5 months, was below 16 years of age when the occurrence had taken place and is being tried as a child before the Juvenile Justice Board concerned and further is having no criminal antecedents.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR. The parties have not disputed the fact that at the time of occurrence, petitioner was less than 16 years of age and is in custody for the last more than 1 year and 5 months and the inquiry before the Juvenile Justice Board is going on wherein till date, 6 witnesses are examined out of total 32 witnesses. It will take time for the aforesaid inquiry to conclude. In the given circumstances,

no purpose will be served by keeping the petitioner (a juvenile) in custody for any longer period.

7. In light of the above, the present petition is allowed and petitioner is directed to be released on bail subject to furnishing of bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

8. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

28.10.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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