

NARENDER KUMAR ALIAS KALA

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner against the order dated 08.01.2024 passed by the Court of Learned Additional Sessions Judge, Exclusive Court, Jhajjar vide which the bail application filed by the petitioner was dismissed in a criminal case having FIR No.108 dated 03.04.2019 registered under Sections 307, 341, 506 and 34 of IPC (offence under Section 302 IPC added later on while offence under Section 307 IPC deleted).

2. As per prosecution version, complainant-Girjanand reported to the police that on 03.04.2019, he and his nephew Rajanand were going for labour work to village Bhagalpuri and at about 3.00 PM, when they reached behind Mata Bhimeshwari Mandir, two boys including petitioner came from front side and blocked the way of Rajanand. The petitioner took out knife and asked Rajanand to hand over his money and mobile phone. When Rajanand refused to do so, the other accused caught hold of him while petitioner gave knife blows to Rajanand, in his stomach, shoulder and back. When alarm was raised, the accused persons ran away

from there while injured Rajanand was taken to hospital where he died. During investigation, petitioner was arrested by the police.

3. Counsel for the petitioner submits that at the time of alleged occurrence the petitioner was less than 18 years of age and has been falsely implicated in the present case. It is further submitted that the petitioner is being tried by the Children Court for murder of Rajanand, as he is being treated as an adult for the purpose of trial by the Court concerned. Counsel for the petitioner further submits that the petitioner is in custody for the last about 5 years and is having no criminal history and that all the material witnesses are examined but it will take time for the trial to conclude and no purpose will be served by detaining the petitioner in custody for any longer period.

4. Reply by way of an affidavit of Pardeep Kumar, HPS, Deputy Superintendent of Police, Beri, District Jhajjar filed on behalf of State is taken on record.

5. Learned State counsel while opposing the present petition submits that petitioner is the main accused who gave fatal knife blows to Rajanand at the time of occurrence. However, the State counsel on instructions from SI Jaipan Singh has not refuted the fact that petitioner was juvenile at the time of occurrence and is now tried by the Children Court and during trial all the material witnesses are examined but it will take time for the trial to terminate as till date only 8 witnesses are examined out of total 21 witnesses on behalf of prosecution.

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

7. The petitioner who at the time of occurrence was juvenile is in custody for the last more than 4 year and 11 months and is having no

criminal antecedents. It appears that all the material witnesses stand examined but it will take time for final disposal of the trial. As all the material witnesses are examined, there will be no apprehension that if released on bail, the petitioner is going to pressurize them to depose in his favour. In the given circumstances, no purpose will be served by prolonging the judicial custody of the petitioner for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.04.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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