

of motorcycle, which was used by the deceased, was planted on the present petitioner. Except the motorcycle of the deceased, no recovery was effected from the present petitioner. Learned counsel further contends that the blood stained knife, which was allegedly used in the commission of crime, was recovered from Mahesh Kumar, father of the present petitioner and his case is clearly distinguishable from the case of the main accused. Learned counsel further contends that the petitioner was a student of Govt. Model Sanskriti Senior Secondary School, Bahadurgarh, Haryana and his studies have been adversely effected due to his custody in the present case. He further contends that the petitioner is a juvenile and his case deserves sympathetic considerations by this Court. Apart from that, the petitioner is also suffering from Epilepsy and even his mother was suffering from the same disease. Learned counsel next contends that the petitioner was arrested on 21.04.2022 and only 2 witnesses, out of total 27 witnesses, have been examined so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and his father Mahesh Kumar had killed Dayanand @ Mukesh and the petitioner had actively participated in the commission of crime. However, it is not in dispute that the petitioner is a juvenile.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 21.04.2022 and is in custody for the last about 01 year and 9 months. The petitioner was a student at the time of commission of the alleged crime and is a juvenile. Apart from that, it is also apparent from the medical record (Annexure P-5), the petitioner is

suffering from Epilepsy. Even the prosecution has been able to examine only 02 witnesses, out of total 27 witnesses, so far and the conclusion of the trial may take quite a long time.

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

31.01.2024

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No