



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

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CRM-17905-2024 in/and

CRR-797-2024

Date of decision: 09.09.2024

Gora @ Rocky through his mother

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Grover, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-17905-2024**

For the reasons mentioned in the application, the same is allowed and delay of 83 days in filing the revision petition is condoned.

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1. The petitioner is seeking setting aside of the order dated 08.09.2023 passed by the learned Juvenile Justice Board, Fatehabad and order 20.10.2023 passed by learned Additional Sessions Judge, Fatehabad, whereby he was declined the benefit of bail in case FIR No.191 dated 25.06.2023 under Sections 147, 148, 149, 302, 341 of the IPC registered at Police Station City Ratia, District Fatehabad.

2. Short reply by way of affidavit of Sanjay Kumar, HPS, Deputy Superintendent of Police, Ratia, District Fatehabad, along with Social Investigation Report, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has



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been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that although the petitioner was named in the FIR in question, which has been annexed as Annexure P-1, however, other than being named, no role, much less any injury, on the person of the deceased, had been attributed to him. Learned counsel has submitted that the petitioner, who is a juvenile, has been in custody since 25.06.2023, and only 01 prosecution witness out of the 32 cited, has been examined till date. Hence, the possibility of the trial concluding any time in the near future seems unlikely. It has also been submitted that the fatal injury on the person of the deceased has been attributed to co-accused Sandeep with a knife, who is still in custody. It has also been submitted that identically placed co-accused Anmol @ Molla has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 12.06.2024.

4. Learned State counsel, on the other hand, while opposing the prayer made by the counsel opposite, on instructions, has not been able to controvert that in both the FIR as well as in the disclosure statement allegedly suffered by co-accused Sandeep, other than the petitioner's presence shown along with all the accused at the time of the occurrence, no role or injury had been attributed to him. It has also not been disputed by the learned State counsel that identically placed co-accused Anmol @ Molla has already been enlarged on bail by a Coordinate Bench of this Court.

5. I have heard learned counsel for the parties and perused the



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material placed on record.

6. The petitioner has been in custody since 25.06.2023. The petitioner is not stated to be involved in any other criminal case. The investigation in the case at hand is complete. The trial would take considerable time to conclude as 31 prosecution witnesses still remain to be examined, hence, no useful purpose would be served by keeping the petitioner incarcerated. This Court, therefore, deems it appropriate to extend the benefit of bail to the petitioner.

7. Accordingly, the instant revision petition is allowed and the petitioner be admitted to bail subject to the satisfaction of Principal Magistrate, Juvenile Justice Board, Fatehabad.

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

9. The State is, however, granted liberty to approach this Court for cancellation of bail in case the petitioner is subsequently found misusing the concession of bail granted to him or being involved in some other criminal case.

09.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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