

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRR-740-2021

Date of Decision: 5.4.2024

Satish Kumar alias Bullet

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Suresh Verma, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

The petitioner being aggrieved by order dated 10.12.2020 passed by the Court of learned Additional Sessions Judge, Fatehabad whereby the appeal filed by the petitioner under Section 52 of Juvenile Justice Act against order dated 3.12.2020 passed by the Court of Principal Magistrate, Juvenile Justice Board, Fatehabad whereby the bail application filed by the petitioner in criminal case having FIR No.239 dated 22.7.2020 registered under Sections 397, 201 IPC and 25 of Arms Act registered at Police Station Bhuna, Fatehabad, was declined, has been dismissed.

2. In the present case, FIR was registered against unknown person on the basis of the statement of the complainant/Subhash Chander wherein he has stated that on 21.7.2020, he was going on a motorcycle No.HR-23G-9468 while Makhan Lal was going on separate scooty No.HR60-B-2240 and they were intercepted by two unknown persons who were riding on a motorcycle and they showed pistol to him and asked him to handover the

money on which the complainant handed over ₹ 1200/- and copy of the registration certificate etc. to them and in the meantime, his brother Makhan Lal also came there and resisted the aforesaid miscreants and then one of them fired shot which hit on foot of Makhan Lal and then Makhan Lal also handed over the entire amount of ₹ 10,000/- along with ATM Card which he was carrying to the said miscreants and then they fled away from there. During investigation, the petitioner who was juvenile was arrested and is in custody for the last more than 3 years and 3 months.

3. Counsel for the petitioner submits that FIR in this case was registered against unknown persons and later on, the petitioner was falsely named as accused and is in custody for the last more than 3 years and 3 months and during trial, complainant/Subhash Chander and injured Makhan Lal failed to identify the accused. Counsel for the petitioner produced copies of the depositions which are taken on record.

4. State counsel, while resisting the present petition, submits that no doubt, at the time of the occurrence, the petitioner was juvenile but he is being treated as adult for the purpose of trial. It is further submitted that the petitioner is the main accused who caused firearm injury to Makhan Lal at the time of the occurrence and he along with his accomplice forcibly took cash and other articles from the complainant and Makhan Lal. However, State counsel on instructions from ASI Sukhwinder has not refuted the fact that during trial, the complainant and injured Makhan Lal failed to identify the present petitioner.

5. Admittedly, FIR in this case was registered against two unknown persons. Further, it appears that during trial, both the material witnesses namely Subhash Chander and Makhan Lal did not identify the

petitioner. Thus, no purpose is going to be served by keeping the petitioner in custody for any longer period.

6. 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 bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 5, 2024
Paritosh Kumar

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