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

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Date of Decision:- 04.10.2024

Vishal

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Himanshu Joshi, Advocate
for the appellant.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Appellant Vishal has filed appeal against impugned order dated 02.07.2024 passed by learned Additional Sessions Judge, Narnaul, vide which his anticipatory bail application in FIR No. 192 dated 06.06.2024 under Section 148, 149, 323, 379B, 506 of IPC and Section 3(2) (v) of SC/ST Act, registered at Police Station Sadar Narnaul has been declined.

2. As per the facts of case, Sunil filed written complaint that they are three brothers. His father Ajaypal was driver at Narnaul. On 05.06.2024, his father Ajaypal was coming home from Narnaul with Super Carry vehicle No. HR-63B-3152. At about 08:30 PM, his father parked his vehicle near Government School of their village and started talking to Mohan and Naresh and in the meantime, boys came on 5/6 motorcycles. They stopped and started giving beating to his father with *lathi and danda*.

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Said boys were namely Vishal s/o Mahabir Parshad, Sekhar, Sukha, Sunil (Jogi), Vishal (present appellant), Vinder, Mohit Gahli, Harjeet Mehrampur, Ravi Kalia Mehrampur and 8/10 unknown persons. They used words naming caste and also snatched ₹30,000/- and managed to fled away from there. His father was taken to Government Hospital, Narnaul for treatment and then he was brought to MED Star Hospital, Rohtak.

3. Learned counsel for appellant argued that all the facts narrated in FIR are false. Appellant is juvenile. No specific role is attributed to him. He is entitled to be released on bail under the provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015. Copy of his Aadhaar Card is Annexure A-2. No custodial interrogation is required. He is having clean antecedents. Learned Additional Sessions Judge, Narnaul failed to consider the aforesaid facts and wrongly declined anticipatory bail of appellant. He is not likely to abscond and will abide by the terms of bail order. Therefore, impugned order dated 02.07.2024 may kindly be set aside and he may be granted relief of anticipatory bail.

4. Learned counsel representing State filed detailed status report. It is pointed out that present appellant alongwith his companions/co-accused gave beating to Ajaypal, abused him naming caste and also took away cash of ₹30,000/-. Considering the facts and circumstances, custodial interrogation of appellant is required to complete the investigation. Therefore, his prayer for anticipatory bail was rightly declined.

5. I have considered the arguments and have gone through the record carefully. As per copy of Aadhaar Card (Annexure A-2), date of birth of present appellant is mentioned as 08.11.2006, whereas, alleged

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occurrence took place on 05.06.2024. Therefore, on the day of alleged occurrence, present appellant was minor. I have also gone through the contents of FIR which clearly indicates that there are no specific allegations regarding the role attributed to present appellant. In FIR, there is no reference of alleged abuses given to victim naming his caste. As per status report, present appellant has no criminal antecedents.

Considering the aforesaid facts, anticipatory bail application filed by appellant was wrongly rejected by learned Additional Sessions Judge, Narnaul, by passing impugned order dated 02.07.2024. Appellant is ready to join the investigation as and when required. Therefore, appeal preferred by appellant – Vishal s/o Sita Ram is allowed and impugned order dated 02.07.2024 is set aside. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that appellant will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

04.10.2024

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No