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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1668-2024
DECIDED ON:25.09.2024

SHUBHAM @ SIBHI

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rohit Chaudhary, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The present criminal revision petition has been preferred against the order dated 23.07.2024 passed by Additional District & Sessions Judge, Sonapat vide which an appeal under Section 101 of Juvenile Justice (Care and Protection of Children) Act, 2015 preferred against the order dated 04.03.2024 passed by Principal Magistrate, Juvenile Justice Board, Sonapat has been dismissed.
2. It has been contended by learned counsel for the petitioner that the complainant namely Surender, who is the sole witness to the alleged incident has turned hostile. He, while appearing in the witness box as PW-2 has categorically stated that the petitioner was not present on the day of alleged occurrence and he did not do anything wrong with him.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record. As per the said custody certificate the petitioner has suffered

incarceration for a period of 1 year and 5 months, as of now, who is not involved in any other case of any nature whatsoever.

4. Considering the fact that the sole witness i.e. complainant-Surender has turned hostile, which is sufficient for this Court to infer that there is every likelihood that the petitioner will earn acquittal as well as the fact that he has suffered incarceration for a period of 1 year and 5 months, as of now, who is person of clean antecedents, as is evident from the custody certificate datged 25.09.2024, this Court is of the considered view that no useful purpose would be by keeping the petitioner behind the bars for an indefinite period, which would violate his right to life and liberty including right to speedy trial, as enshrined under Article 21 of the Constitution of India.

5. In view of the discussions made hereinabove, this Court deems it fit case for the grant of bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

6. In the afore-said terms, the present revision petition is allowed.

25.09.2024

(SANDEEP MOUDGIL)
JUDGE

Sham

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No