



CRR-1803-2024

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

201

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Date of decision: 05.12.2024

Sahil@ Musalman

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Ms. Tanisha Peshawaria, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the present petition is to the order dated 31.08.2023 passed by the learned Additional Sessions Judge, Rewari, whereby appeal filed by the petitioner (child-in-conflict with law) against the order 18.08.2023 passed by the Principal Magistrate, Juvenile Justice Board, Rewari, rejecting his bail application in FIR No.489 dated 23.12.2020, under Sections 346, 302, 201, 120-B and 34 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station City Rewari, was dismissed.

2. Learned counsel contends that the petitioner is in custody for the last about 04 years. He has been falsely implicated in the case. As per the allegations, he was riding the motor-cycle while co-accused Nikhil is stated to be the main accused having fired at the deceased. He is not



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involved in any other case. Complainant stands examined, besides 13 more. There are 44 prosecution witnesses in all and next date of hearing before the Juvenile Justice Board, is 17.03.2025. Furthermore, co-accused has been released on bail, vide order dated 01.08.2023 (Annexure P-10).

3. The custody certificate dated 04.12.2024, filed by learned State Counsel is taken on record, as per which the petitioner has been in custody for the last 03 years, 11 months and 07 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence, however, is unable to controvert the submissions regarding the stage of case, grant of bail to the co-accused, complainant has been examined, and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last almost 04 years; not involved in any other case, though charges stand framed on 13.09.2021, however, only 14, out of 44 PWs, have yet been examined, including the complainant as PW 4; the trial is likely to take considerable time; co-accused, namely, Aman has been granted the benefit of bail and thus his further incarceration would not serve any useful purpose, as such the present revision deserves to be allowed.

7. As a result, the present petition is allowed and the order dated 31.08.2023 passed by the Additional Sessions Judge, Rewari,



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dismissing the appeal filed by the petitioner against the order dated 18.08.2023 passed by the Principle Magistrate, Juvenile Justice Board, Rewari, is set aside. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v). The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.



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- (viii). The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

05.12.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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