



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

246

CRR-2844-2023 (O&M)
Date of decision: 29.07.2024

ROHIT AND ANR.

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gaurav Grover, Advocate with
Ms. Charu Sharma, Advocate for the petitioners.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The present revision petition assails the order dated 20.10.2023 passed by the Additional Sessions Judge, Fatehabad and the order dated 08.09.2023 passed by the Juvenile Justice Board, Fatehabad vide which the bail application of the petitioners/children in conflict with law was dismissed in case FIR No. 191 dated 25.06.2023 under Sections 147, 148, 149, 302, 341 of the IPC, 1860 registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioners submits that the petitioners are children in conflict with law and have now been in custody since 27.06.2023. It has been further submitted that a perusal of the FIR which has been annexed as Annexure P-1 reveals that there is no specific attribution qua them much less of having inflicted fatal injuries on the person of the deceased; rather their names cropped up during investigation



in the statement of co-accused Sandeep who stated that the petitioners were present along with him and the other co-accused and had encircled the deceased. It has also been submitted that the identically placed co-accused Anmol who too is a child in conflict had been enlarged on bail by this Court on 12.06.2024 and hence the petitioners also deserved a similar concession moreso when the investigation has been completed; challan presented and even charges have been framed.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not disputed that the name of the petitioners cropped up during investigation of the prime accused Sandeep and no injury much less fatal has been attributed to either of them. It has further been submitted that they were present with the prime accused when the deceased was inflicted fatal injury. The stage of the trial has also not been disputed and it has been submitted on instructions that prosecution evidence is likely to commence on 02.08.2024.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioners have been in custody for more than a year having been arrested on 27.06.2023. Further incarceration of the petitioners, who are children in conflict, would not serve any useful purpose.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.



6. Accordingly, the instant petition is allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

8. Since the main petition is being decided on merits, application, if any, shall also stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

July 29, 2024
poonam

Whether speaking/reasoned:	Yes
Whether reportable:	No