



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

CRR-107-2025 (O&M)

Date of decision : 23.01.2025

Honey Kumar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Najar Singh, Advocate for
Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for setting aside the order dated 13.09.2024 passed by the Juvenile Justice Board, Principal Magistrate Juvenile, Sonipat in case No.BA-649-2024 and order dated 18.10.2024 passed by the Court of Additional District Judge, Sonipat in Criminal Appeal No.175 of 2024.

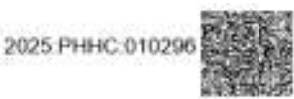
2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Ajmer son of Ramkishan. It was alleged that on 31.05.2024, his eldest brother Subhash had a quarrel with their neighbourer Ishwar son of Rammehar. However, the compromise regarding the same was arrived at on the very same day. On 01.06.2024 at about 10:00 PM, his brother was walking in the street after having food and as Ishwar was holding grudge, he, Himanshu, Honey (petitioner), Neelam, Sanjay his wife Bebi, Buntty and Ishwar's younger sister namely, Sheela @ Sushila Devi after conspiring, attacked Subhash with sticks and other sharp weapons. He was dragged inside their house. He and Gaurav entered into Ishwar's house to get Subhash released. Everyone started



beating Subhash. On raising alarm, the neighbourers also gathered. They got them released however, Ishwar and others were threatening to kill him. They shifted their brother and nephew Gaurav to Sonapat for treatment. However, the Doctors declared his brother Subhash dead. Request was made to take legal action against the accused. On registration of the FIR, investigation commenced. The postmortem of the dead body was conducted and statements of the witnesses were recorded by the investigating agencies. Petitioner was arrested on 04.06.2024. He approached before learned Juvenile Justice Board, Sonipat praying for grant of bail however, after hearing counsel for both the sides, it was declined vide order dated 13.09.2024. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner has been falsely implicated in this case. He submits that as per the allegations, petitioner alongwith others attacked Subhash with sticks and other sharp weapons, who suffered serious injuries and admitted to the Hospital at Sonapat for treatment and subsequently died. He submits that the case of the petitioner is on similar footing with co-accused Sheela @ Sushila Devi who has been granted regular bail by this Court vide order dated 19.12.2024 passed in CRM-M-63107-2024 and hence, claims parity. He submits that petitioner even otherwise has not been alleged to have committed any overt act in the alleged incident. It is submitted that petitioner is behind bars since the date of his arrest and there being no case made out against him, his incarceration is totally unwarranted.

4. Learned State counsel has opposed the submissions made by



learned counsel for the petitioner. He has submitted that petitioner is specifically named in the FIR who was a part of the unlawful assembly. He submits that all the accused had dragged the deceased inside their house and thereafter, caused beating to him which resulted in his death. He submits that a danda was recovered from the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that petitioner though has been named in the FIR however, no overt act has been alleged against him. This Court would refrain itself from commenting anything on the merits of the case. There is nothing on record to show that the petitioner has any criminal antecedents. The Court cannot ignore the fact that the petitioner is a juvenile and keeping him behind bars for long would have serious repercussions on his future.

6. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity as the co-accused has already been admitted to bail by this Court vide order dated 19.12.2024 passed in CRM-M-63107-2024. Accordingly, the present petition is allowed and orders dated 13.09.2024 and 18.10.2024 are set aside. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Juvenile Justice Board, Principal Magistrate Juvenile, Sonipat. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.01.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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