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

CRR-1737-2024**Date of decision : 12.03.2025****Aman****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana..

RAJESH BHARDWAJ, J. (Oral)

1. Present revision has been filed for grant of regular bail to the petitioner in case FIR No.75 dated 13.04.2023, under Sections 25, (96), 25(7)-54-59 of the Arms Act and Section 120-B of IPC, registered at Police Station Farakpur.

2. Succinctly the facts of the case are that the Police received a secret information on 13.04.2023, to the effect that members of Nandu Gang, namely, Aman and Arman were coming on black splendor provided by Sachin Pandit and Sumit Rana gang to execute the contract murder by using illegal weapons and cartridge and in case of nakka, they could be arrested along with the weapons. On finding the information reliable, police constituted a raiding team and Nakka was laid. Thereafter two young boys as described by the informer was seen coming on a motorcycle. On asking, one who was driving the motorcycle, disclosed his name as Aman S/o Suresh Kumar and pillion rider disclosed his name as Arman S/o Suresh Kumar. On conducting their search, one country made revolver .32 bore was recovered from the left side of the trouser worn by



Aman and on checking 05 cartridge were found to be loaded in the magazine. From search of Arman, .315 Bore desi Katta was recovered from the left side his trouser. They failed to produce any licence for possession of the same and hence, FIR was registered and the petitioner was arrested on spot. On registration of the FIR, investigation commenced. The petitioner approached the Juvenile Justice Board, Yamuna Nagar at Jagadhri for grant of bail, however, the same was declined vide order dated 20.04.2024. Thereafter, he filed an appeal against the same before learned Sessions Judge, Yamuna Nagar, however, the same was declined vide order dated 22.05.2023. Aggrieved by the same, the petitioner approached twice this Court earlier by way of filing of revisions, but those were dismissed as withdrawn. Hence, the petitioner is before this Court by way of filing of present third petition praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner before this Court is a juvenile who has been falsely implicated in the present case. He submits that the petitioner is a juvenile as he is 17 years of age. It is submitted that the FIR in the present case was registered on the basis of a secret information. He submits that the petitioner was neither present at the time of alleged occurrence nor any actual recovery has been effected from him. However, the prosecution has planted the recovery upon the petitioner. He submits that co-accused, namely, Arman, has already been granted regular bail by the trial Court vide order dated 16.05.2023. He submits that though the petitioner is involved in 03 more cases, however, he is on bail in those cases. It is submitted that the petitioner is behind bars from last about 02 years, however, till date the prosecution has not been able to conclude the trial. He submits that bail of



the petitioner was declined by the trial Court only for the reason that he is involved in other cases, which cannot be a ground for the rejection of his bail.

4. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioner and submits that though the petitioner is a juvenile, however, he is a habitual offender, who is involved in 03 other cases. It is submitted that recovery of illegal weapons and cartridge were effected from the petitioner. He submits that out of total 17 prosecution witnesses only 05 witnesses have been examined so far. He also submits on instructions from ASI Bhupinder Singh, that co-accused, namely, Arman who was a pillion rider on the motorcycle has already been granted bail by the trial Court. He produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is a juvenile. Though he is involved in 03 other cases, however, as per instructions he is on bail in all those cases. Co-accused, Arman, who is the brother of the petitioner, has already been enlarged on bail by the trial Court. The custody certificate would show that he has suffered incarceration of about 01 year and 11 months and only 05 witnesses have been examined so far. Though, he is involved in other cases, however, the same itself cannot be a ground for rejection of the bail when the case for grant of bail is made out in the case in hand.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel



for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2025

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(RAJESH BHARDWAJ)
JUDGE

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