



CRR No. 2159-2024

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

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CRR No. 2159-2024 (O&M)**Date of Decision: 08.01.2025**

CCL-V,

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Sarvesh Malik, Advocate for the petitioner.

Mr. Ashok Singh Chaudhry, Addl. A.G, Haryana.

MAHABIR SINGH SINDHU, J.**CRM-43384-2024**

Prayer in the application filed under Section 5 of the Limitation Act is for condonation of delay of 347 days in filing the Revision Petition.

Learned State counsel has not raised serious objection to the present application.

In view of the above and for the reasons mentioned in the application, same is allowed as prayed for, subject to all just exceptions. Delay of 347 days in filing the Revision Petition is condoned.

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Present criminal revision has been filed, under Section 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') against the order dated 17.08.2023 passed by learned Additional Sessions Judge, Rohtak, upholding the order dated 27.07.2023, passed by learned Juvenile Justice Board, Rohtak, whereby prayer of the petitioner for releasing on bail pending trial, was declined in FIR No.397 dated 01.07.2022 registered under

Sections 364, 365, 302 and 201 of Indian Penal Code, 1860 (for short,



‘IPC’), at Police Station Shivaji Colony, Rohtak.

2. Allegations are that petitioner along with other co-accused murdered the deceased-Mohit by giving knife blow.

3. Reply by way of affidavit dated 07.01.2025 of Mr. YVR Sashi Sekhar, IPS, Assistant Superintendent of Police, Headquarters, Rohtak on behalf of respondent has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

4. Contends that the petitioner was below the age of 16 years at time of alleged occurrence and he is in custody from the last more than 2 years. Also contends that maximum sentence that can be imposed, after proving the charges would be 3 years. The trial is not likely to be concluded in the near future; hence, further incarceration of petitioner would not serve any purpose.

5. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature. Further contends that petitioner caught hold of the deceased-Mohit and co-accused gave knife blow to him. Therefore, in view of gravity of offence, petitioner does not deserve the concession of bail pending trial “at this stage”.

6. Heard both sides and perused the paper-book.

7. Concededly, petitioner is in custody since 03.08.2022; charges have already been framed on 28.10.2022 and out of total 22 prosecution witnesses only 1 witness has been examined till date; thus, conclusion of trial shall take sufficient long time. Moreover even if charges are proved, the maximum sentence that can be imposed against the petitioner would be 3 years and he has already undergone about 2 years and 5 months in custody



as an under trial. There are reasonable grounds for believing that release of petitioner is not likely to bring him into association with any non-commercial and/or his release would not expose him to moral, physical and psychological danger. It is not the allegation of State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present criminal revision is allowed and impugned orders dated 17.08.2023 passed by learned Additional Sessions Judge, Rohtak & dated 27.07.2023 passed by learned Juvenile Justice Board, Rohtak are set aside. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Juvenile Justice Board/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Juvenile Justice Board without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

08.01.2025 (MAHABIR SINGH SINDHU)
Rajeev (rvs) JUDGE

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