



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

121-2

CRR-181-2025 (O&M)
Decided on : 26.05.2025

Sunil

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Argued by: Mr. APS Deol, Sr. Advocate with
Mr. Vishal R. Lamba, Advocate, for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana
assisted by SI parvinder Kumar, P.S. Kasola, Rewari.

Mr. P.S. Chauhan, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)**CRM-21785-2025**

I. Present application is for placing on record the bail orders dated 30.11.2021, 02.12.2021 and 25.01.2023, as Annexures P-9 to P-11, respectively.

II. Allowed as prayed for. Bail orders, i.e., Annexures P-9 to P-11, respectively, filed along with application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

III. CRM stands disposed of.

CRR-181-2025

1. The present revision petition has been filed by the petitioner u/s 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short, 'JJ Act'), for setting aside the impugned order dated 19.11.2024, passed by Ld. Additional Sessions Judge, Rewari (Appellate Court) as well as order dated 28.10.2024, passed by the Principal magistrate, Juvenile Justice board, Rewari, vide which, regular bail application of the petitioner (juvenile) was dismissed, in case FIR No.314, dated 01.10.2020, u/s 302, 341, 148, 149 of IPC (offence u/s 120-B of IPC added later on), and Sections 25 of the Arms Act, registered at P.S. Kasola, Distt. Rewari.

2. As per the version in the FIR, the complainant – Lal Singh

(father of the deceased Charan Singh @ Bheem Singh) initially named five persons, namely: (i) Vinod @ Binni, (ii) Nepal, (iii) Rajbir, (iv) Krishan, and (v) Sunil (petitioner herein). Subsequently, by way of a supplementary statement dated 03.10.2020, two more persons were named, i.e., (vi) Yogesh @ Golu and (vii) Anil. The FIR was registered on the basis of information or suspicion already known to the complainant. Thus, learned Senior Counsel argues that the version given in the FIR cannot be treated as that of an eye-witness.

3. Learned Senior Counsel further argues that during the course of investigation, two of the named accused, namely Rajbir and Krishan, were found innocent. One additional accused, Yogesh, was challaned along with already named accused Sunil (petitioner herein), Binni, and Nepal.

He further submits that co-accused Nepal and Vinod @ Binni have already been released on bail by the trial Court vide orders dated 02.12.2021 and 25.01.2023 (appended as Annexures P-10 and P-11, respectively), whereas the other co-accused, namely Yogesh @ Golu, has been granted the concession of regular bail by a coordinate Bench of this Court vide order dated 30.11.2021 passed in CRM-M-18632-2021 (O&M) (Annexure P-9).

4. Learned Senior Counsel further submits that during the inquest proceedings, statements under Section 175 Cr.P.C. were recorded from Budh Ram and Thawar Singh (both brothers of complainant – Lal Singh), who never projected themselves as eye-witnesses. The same position was reflected in their statements recorded under Section 161 Cr.P.C. (appended as Annexures P-6 and P-7, respectively). It is further submitted that the country-made pistol allegedly recovered from the petitioner on 04.10.2022 was not matched with the bullets fired upon the deceased.

5. Learned Senior Counsel also points out that during the trial of co-accused Yogesh @ Golu (who is major), the statement of complainant Lal Singh was recorded, in which he improved his version by projecting Thawar Singh as one of the eye-witnesses. However, said Thawar Singh has not been examined by the prosecution till date.

He further argues that in the trial proceedings against the present petitioner, none of the witness has been examined so far. Petitioner is still in custody for the last about 04 years and 08 months of period. Moreover, as per the provisions of the Juvenile Justice Act, till date no

assessment has been done by the trial Court, as to whether the petitioner should be treated as a juvenile (CCL) or as an adult for the purpose of trial. Thus, learned Senior Counsel prays for grant of concession of regular bail to the petitioner.

6. On the other hand, learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the present case involves an act of revenge due to previous enmity. Therefore, such conduct does not warrant any leniency for consideration of bail.

7. I have considered the submissions addressed by learned counsel for the parties and perused the relevant material available on record. This Court notices that till date, no evidence has been recorded in the proceedings against the petitioner, despite he being in custody, for a period of about 04 years and 08 months.

Though much weight cannot be given to the submissions, at this stage without full appreciation of the evidence. Admitted fact by the learned State counsel is that country-made pistol recovered from the petitioner, did not match the bullets fired upon the deceased, however, the learned State counsel submits that the accused might have got recovered a different weapon.

8. Taking into account all the circumstances as enumerated and discussed above, this Court is of the view that the liberty of a person, even if an accused in a criminal case, cannot be curtailed indefinitely until he is held guilty. Therefore, the prayer for grant of regular bail deserves to be considered.

9. Consequently, impugned order dated 19.11.2024 passed by Ld. Additional Sessions Judge, Rewari (Appellate Court) as well as the order dated 28.10.2024, passed by Principal Magistrate, Juvenile Justice Board, Rewari, are hereby **set-aside**. Accordingly, petitioner – Sunil, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here-above, shall not

be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 26, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*