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

**CRR-1787-2024**

**Date of decision:-22.05.2025**

**SAURABH**

**... Petitioner**

**Versus**

**STATE OF HARYANA AND ANOTHER**

**... Respondents**

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Pragyat Bhardwaj, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

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**SANJIV BERRY, J.(ORAL)**

Mr. Lalit Dalal, Assistant Commissioner of Police, Crime-II, Gurugram, alongwith SI Arun, Investigating Officer of the case are present in Court. Concerned Assistant Commissioner of Police has tendered his apology for verifying vague reply and has assured to be careful in future, which is accepted.

2. The instant criminal revision petition has been preferred by the petitioner against the impugned order dated 06.07.2024 passed by learned Additional Sessions Judge, Gurugram in Criminal Appeal No. 78 of 2024 dismissing the appeal filed against the order dated 22.05.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Gurugram in FIR No. 164, dated 17.06.2023, registered at Police Station Manesar, District Gurugaon under Section 120-B, 212, 302, 307, 506, 34 IPC and Section 25 (1-B)(a) of the Arms Act (Section 212 IPC added later on ) whereby the bail



petition of the petitioner had been declined.

3 Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is juvenile and has been falsely implicated in this case on the basis of alleged disclosure statement of co-accused Harpal Singh which is not admissible in evidence, even otherwise, no specific overt act is attributed to the petitioner to be involved in any manner in the alleged crime. He submits that petitioner is in custody since 25.04.2024, having no other criminal case against him and is a student of 9<sup>th</sup> class and only on account of his relatives being involved in criminal activities, the petitioner has been roped in the present case. He contends that after completion of investigation, the challan has already been presented in Court, and the conclusion of trial will take sufficient long time. He submits that learned Additional Sessions Judge, Gurugram while passing the impugned order dated 06.07.2024 dismissing the bail application had not considered the facts and circumstances in the correct prospective. Hence prayed for acceptance of the revision petition and grant of bail.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the criminal revision petition by arguing that the petitioner is involved in heinous crime along with co-accused and has been nominated on the disclosure statement of co-accused Harpal Singh. He contends that family members of the petitioner are involved in heinous criminal activities and petitioner has also actively involved therein. Although, no other criminal case is registered against him. He has prayed for dismissal of the Criminal Revision Petition.



6. After considering the rival contentions and perusing the record, the version of prosecution is that on 16.06.2023 complainant Kuldeep Singh alleged that he along with his partners has been running liquor vend and around a week ago, he had received threat from foreign contact number to handover the liquor vend to the caller. Similar threats were also received by his brother Praveen. On 16.06.2023, at around 08:30 pm, the complainant was sitting in his office, heard gun fire and saw two persons firing indiscriminately in the liquor vend on customers and staff. Due to which, Sandeep, Devraj Sharma and Rajendra Prasad suffered injuries. Later, Sandeep died in the hospital. Later on, he again received a threat call from foreign number threatening him that the firing was done as he had not handed over the liquor vend. Hence, FIR was registered and during investigation petitioner was nominated and arrested on 25.04.2024.

7. The petitioner moved an application before the Principal Magistrate, Juvenile Justice Board, Gurugram for grant of bail, which was dismissed vide order dated 22.05.2024.

8. Appeal against the said order was filed, which was dismissed by learned Additional Sessions Judge, Gurugram vide impugned order dated 06.07.2024.

9. Aggrieved therefrom, the present revision petition has been preferred.

10. After hearing the arguments and perusing the record, it is observed that the petitioner is not having any criminal antecedents and happens to be studying in 9<sup>th</sup> class. It is evident from the reply filed by the State that the petitioner has been allegedly nominated in the present case on



the disclosure statement made by co-accused Harpal Singh (uncle of the petitioner), wherein it is alleged that the petitioner had knowledge about the occurrence and had been instrumental in collecting the ransom amount from area, and that Harpal had given two country made pistol to the petitioner. Admittedly, no recovery of any kind of weapon or other contraband has been effected from the petitioner. Even the evidential admissibility of such statement of co-accused Harpal Singh is itself doubtful in the absence of any consequent recovery from the petitioner. The reply filed by the State clearly indicates that the petitioner is actively involved in the criminal activities being carried out by his all family members and at the same time, it is mentioned in para No. 26 thereof, that the petitioner has not been found involved in the commission of offence as per the record. But, it is alleged that the petitioner was fully aware of the execution of the present commission. When confronted, the police officials present in Court could not explain as to how the petitioner is actively involved in the present crime. No specific overt act or participation has been attributed to the petitioner. All these factors appear to have gone unnoticed by the concerned Court while passing the impugned orders. The petitioner is in custody since 25.04.2024, and after completion of investigation, challan has already been presented in Court. The conclusion to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining the petitioner in custody any longer. All these aspects have not been considered by the concerned courts while passing the impugned judgments.

11. In these circumstances, without commenting on the merits of



the case, it is observed that no purpose would be served by keeping petitioner behind bars and accordingly, finding merit in the present criminal revision petition the same is hereby allowed. The impugned judgment dated 06.07.2024 passed by learned Additional Sessions Judge, Gurugram and order dated 22.05.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Gurugram are hereby set aside. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Duty Magistrate/Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

12. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

13. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**22.05.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |