



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

307

**CRR-2177-2024 (O&M)
Date of Decision:- 25.03.2025**

YASH

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The present revision petition has been preferred under Section 102 of the Juvenile Justice Act, 2015 for setting aside the order dated 24.09.2024 passed by Juvenile Justice Board, Sonapat and order dated 16.10.2024 passed by learned Children Court, Sonapat, whereby regular bail to the petitioner was declined in the following case:-

FIR No.	Dated	Sections	Police Station
297	21.09.2023	148, 120-B, 302 and 149 IPC; 25 of the Arms Act	HSI IDC, Barhi Sonipat

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, who was a juvenile at the time of the alleged offence, is innocent and has been falsely implicated in this case. He contends that neither any specific overt act nor injury has been attributed to the petitioner, which resulted in the death of the deceased. He submits that the petitioner is



in custody since 25.09.2023 and has clean antecedents. He further submits that challan has already been presented in the Court as such, the petitioner is not required for further investigation in the matter. Thus, prays for setting aside the impugned orders and grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner happens to be the member of unlawful assembly, wherein co-accused Ajay gave knife blow leading to the murder of the deceased. Hence prays for dismissal of the revision petition.

4. Heard learned counsel for the parties and perused the record.

5. As per the case of prosecution, the instant FIR was registered on the statement of the complainant alleging that a dispute was going on with co-villagers Vinay and others on account of which on 21.09.2023 at about 07:00 PM, around 15-20 boys including the petitioner, Vinay, Deepak, Ajay, Vansh, Himanshu and 5-6 other unknown boys armed with knives, lathis, dandas had attacked his friend Sahil with their weapons, due to which he succumbed to the injuries. During the course of investigation, petitioner was arrested on 25.09.2023 and after the completion of investigation, challan was presented in Court, wherein the prosecution has cited 22 witnesses but till date only 01 has been examined.

6. A perusal of the record would reveal that the petitioner, who was a juvenile at the time of alleged offence, is not having any criminal antecedents and although the petitioner is named in the FIR, but no specific overt act is attributed to him. Admittedly, no injury to the deceased has been



attributed to the petitioner and in fact co-accused-Ajay is alleged to have stabbed the deceased to death. Moreover, considering the fact that only 01 witness has been examined out of 22 witnesses cited by the prosecution, the conclusion of trial will take sufficient long time. Moreover, taking into consideration the fact that the petitioner is not having any criminal antecedents and also no injury is alleged to have been attributed to him in the alleged occurrence, no purpose would be served by detaining the petitioner in custody any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The impugned order dated 24.09.2024 passed by Juvenile Justice Board, Sonapat and order dated 16.10.2024 passed by learned Children Court, Sonapat are hereby set aside. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

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

(SANJIV BERRY)
JUDGE

25.03.2025

S.Sharma(syr)

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