

CRR-3085-2016

Date of Decision : 09.11.2016

Kuldeep Singh @ Daani

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. Gaurav Sharma, Advocate  
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is facing trial under Section 15 of the NDPS Act.

Claiming himself to be a juvenile on the date of commission of alleged offence on the basis of birth registration certificate and school leaving certificate from a Primary School of District Peelibheet, petitioner filed an application before the Special Court which has been dismissed by the said Court on the ground that the birth registration certificates/school leaving certificate are of a date after the registration of the case and that the documents are not admissible in evidence and have also not been proved as per law.

Without expression of any opinion whether the status of the petitioner, as juvenile, would entitle the petitioner for any benefit, so far as the sentence is concerned in alleged commercial quantity, I am of the opinion that the right of the petitioner to prove his status as juvenile cannot be denied to him. While dismissing this petition as not maintainable, it is observed that petitioner will be entitled to produce defence evidence to prove his status as juvenile as the application of the

petitioner for declaring him a juvenile has been dismissed, without giving an opportunity to the petitioner to establish the documents in accordance with law. Safeguarding the right of the petitioner to produce defence evidence regarding his age at the time of occurrence, this petition is dismissed.

**(M.M.S. BEDI)**  
**JUDGE**

**09.11.2016**  
*Neha*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No