

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

**CRM-M-7570-2017
Date of Decision: 24.08.2017**

Reetak Kumar @ Ritiak Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Rana, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 61 dated 20.05.2016, under Sections 376 and 120-B of the Indian Penal Code and Section 6 of the POCSO Act, registered at Police Station Amloh, District Fatehgarh Sahib.

By order dated 25.07.2017, learned counsel for the respondent-State informed this Court that the statement of the prosecutrix was not recorded by that time and the next date before the trial Court was 27.07.2017. The matter has been taken up today.

Counsel for the petitioner submits that during the interregnum period, the petitioner has been declared as juvenile by order dated 09.08.2017 by the Additional Sessions Judge, Fatehgarh Sahib, holding that the petitioner to be the age of 17 years, 07 months and 14 days at the time of

alleged commission of offence.

Learned counsel for the respondent-State submits that in case the petitioner has been declared as juvenile at the time of alleged commission of offence, this Court should not interfere in the instant matter and in fact the same would have to be urged before the Juvenile Justice Board which would be competent to hear the matter.

The High Court at Madras in *Crl. O.P. (MD) NO. 23992 of 2015* titled as *Minor Y. Pathe Khan vs. The State* has taken a similar view that the Juvenile Justice Board is competent to hear the matters in relation to the offences committed by the juvenile, who has been defined to be a person under the age of 18 years. The petitioner herein has also been declared as juvenile at the time of alleged commission of offence, by order dated 09.08.2017, by the Additional Sessions Judge, Fatehgarh Sahib.

In view of above, the instant petition is disposed of giving liberty to the petitioner to approach the Juvenile Justice Board for grant of bail.

August 24, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No