

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-5124-2018

Date of Decision: March 09, 2018

Love @ Aarnav Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.461, dated 19.09.2017, under Sections 307/341/324/148/149 IPC, registered at Police Station Civil Lines, Amritsar, District Amritsar.

2. As per the contents of the FIR, the petitioner is alleged to have struck the complainant with a *datar* causing severe head injury. This has subsequently been declared dangerous to life.

3. Learned counsel for the petitioner has placed on record the Matriculation Certificate of the petitioner (Annexure P-2) and relied upon the same to contend that the petitioner is a juvenile and therefore, he should be granted anticipatory bail. In support of his contention, he has also placed reliance upon judgment viz. *Amit Vs. State of Haryana 2007(3)RCR(Criminal)203* and *Rabi Khan alias Salman Vs. State of M.P., 2015(4)RCR(Criminal) 332.*

4. On the other hand, learned State counsel submits that a serious offence has been committed by the petitioner and whether he is juvenile or not shall be determined in accordance with the provisions of **Juvenile Justice (Care and Protection of Children) Act, 2015**. At this stage, it cannot be conclusively said that the petitioner is a juvenile. That apart, in accordance with the provisions of Section 10 of the aforementioned Act, a person who claims himself to be a juvenile, has to be brought before the Juvenile Justice Board within 24 hours of his arrest and therefore, there is no question of retaining the petitioner in custody for a longer duration. The moment he is arrested, he shall be produced before the Juvenile Justice Board and then it will be determined whether he is a child alleged to be in conflict with law or not. Till that determination is made, the petitioner will be lodged in an observation home and thus there is no ground to grant anticipatory bail to the petitioner.

5. Having heard learned counsel for the parties, I am of the opinion that keeping in view the nature of the offence, the petitioner is not entitled for grant of anticipatory bail. The above referred judgments are not helpful as and the same are distinguishable on facts. If the petitioner claims to be a juvenile, he shall be dealt with by the Police in accordance with the provisions of the aforementioned Act and there is no question of him being retained in police custody.

6. The petition is without any merit and is dismissed.

March 09, 2018

sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No