

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CRM-M No.9401 of 2019

Date of Decision: 28.02.2019

Jaiveer Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Harmanjit Singh Thiara, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.37 dated 13.02.2019 registered under Sections 341, 323, 379, 427, 148 and 149 of IPC at Police Station Rama Mandi, District Jalandhar.

A query has been put to learned counsel for the petitioner as to how this petition is maintainable.

Learned counsel for the petitioner has relied upon the judgment of Kerala High Court in case ***Mr. X. (Prashob) S/o Baby V.M vs State of Kerala 2018(3) RCR (Criminal) 327*** as well as judgment of Chhattisgarh High Court in case ***Sudhir Sharma vs State of Chhattisgarh 2017(3) CGLJ 405*** in support of his arguments.

On perusal of said judgments, it is not apparent that the issue was there about maintainability of the petition before the High Court or not.

Admittedly, a specific Act is there relating to issue of juvenile i.e Juvenile Justice (Care and Protection of Children) Act 2015. The

petitioner is having a remedy but instead of availing that remedy, he has approached this Court.

Learned counsel for the petitioner wishes to withdraw the present petition with a request to avail the appropriate remedy to approach before the Juvenile Justice Board as the petitioner is to appear in the examination.

Dismissed as withdrawn on request of learned counsel for the petitioner to avail the appropriate remedy.

However, the petitioner is directed to approach the Juvenile Justice Board within a period of one week from the date of receipt of certified copy of the order.

Till then, the arrest of the petitioner shall remain stayed.

(DAYA CHAUDHARY)
JUDGE

28.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No