

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-690-2019

Date of decision: 19.03.2019

Veerbhan

..... Petitioners

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

**PRESENT: Mr. RS Chahal, Advocate for the petitioner.**

**RAMENDRA JAIN, J. (ORAL)**

Through this revision, petitioner has laid challenge to the judgment dated 21.01.2019 rendered by the Ist Appellate Court, whereby appeal of petitioner against the order dated 16.11.2018, of the Principal Magistrate, Juvenile Justice Board, Fatehabad (for short-'the Board'), ordering the petitioner in conflict with law as an adult and to be tried by Children Court, was dismissed.

Briefly, son of Rohtash-complainant, namely; Bintu, was abducted and murdered by the petitioner and his co-accused. After committing murder, the petitioner and his accomplice threw dead body of Bintu, in canal. During investigation, complicity of the petitioner was found by the Investigating Officer. Therefore, he submitted final report under Section 173(2) Cr.P.C., against the petitioner and one Sunil @ Gabbu before the Board, being teenagers in conflict with law, whereas final report against other co-accused who were adults were filed in routine in the regular Court. Before proceeding further, it was mandatory for the Board to

ascertain the age of petitioner and his co-accused Sunil @ Gabbu. Therefore, it conducted preliminary assessment with regard to mental and physical capacity of the petitioner to commit such offence, consequences of the offence and circumstances in which the same was committed by him. Social investigation report was also requisitioned. As per report, petitioner was found to be a student of 10+1 in a private school. Intelligence and physical condition of the petitioner was found normal and sufficient to commit crime. Mental condition of the petitioner was also found normal. Psychologist report was also called, according to which, no abnormality in the behaviour of petitioner was found. He was well oriented to the place, time and weather. Since, there was no definite proof qua date of birth of petitioner that he is in between 16-18 years, therefore, the Board, vide order dated 16.11.2018, referred the case of the petitioner to learned District and Sessions Judge, Fatehabad, recommending his trial by Children Court.

Being aggrieved, petitioner and his co-accused-Sunil @ Gabbu, have approached the Ist Appellate Court, but remained un-successful as their appeal too was dismissed vide impugned judgment dated 21.01.2019.

Heard.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this court is of the considered view that the present revision filed by the petitioner is a gross abuse of the process of law, inasmuch as, learned counsel for the petitioner has miserably failed to show any documentary proof that on the date of alleged occurrence, the petitioner was below 16 years of age. The petitioner with his accomplice has committed heinous crime of abducting and murdering a young boy Bintu, aged around 22 years and then threw his body in the

canal.

From the above fact, it is evident that petitioner is of great criminal ill and could be tried by regular Court as major, but since, his age does not permit to do so, in view of provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, he has rightly been ordered to be tried by Children Court.

In view of the above, the instant revision, being meritless, is dismissed.

A copy of this order be sent to learned District and Sessions Judge, Fatehabad, for information and necessary action.

**March 19, 2019**

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**( RAMENDRA JAIN )  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**