

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

CRM-M-12107-2020

Date of Decision:-14.7.2020

JAGAT SINGH MINOR THROUGH FATHER

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Verma, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Rajeshwar S. Thakur, Advocate for the complainant.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.25 dated 5.2.2020 under Sections 323, 341, 148, 149, 506 IPC (Sections 307, 379-B(2), 506(2) IPC added later on) at Police Station Dugri, District Ludhiana.
2. It is the case of prosecution that Kashish Binder, Garry Bhardwaj, Abhijit Mand, Ajay, Kuntal Sachdev and Jagat Singh had caused injuries to the complainant-Paramveer Singh and also to Sartaj Singh with the help of sword, iron rod, '*Khanda*' and bricks.
3. The petitioner has reproduced the attribution of injuries to the various accused in his petition as follows:-

Sr. No.	Name of Accused	Weapon Allegedly Carrying	Alleged Role
1	Kashish Binder	Sword	Hit on left hand of complainant; Hit on head of son of complainant; forcibly removed the gold chain weighing around 2-1/5 Kgs. from neck of wife of complainant.
2	Garry Bhardwaj	Iron Rod	High on left thigh of complainant; Hit on back of head; little toe of son of complainant
3	Abhijit Mand	Sword	Hit head above the left eye
4	Ajay	'Khanda'	Hit on back of head of son of complainant
5	Kuntal Sachdeva	Brick stone	Hit on back of complainant; took Rs.13,000/- from left pocket of complainant pant
6	Jagat Singh (petitioner)	No weapon	Gave kick blows ('Thudde') to son of the complainant

4. The aforestated attribution of injuries is not disputed by the learned State counsel and has affirmed that as per the FIR the petitioner is attributed kick blows ‘*Thudde*’ to the son of the complainant.
5. Learned counsel has submitted that since the petitioner is a juvenile and admittedly was not carrying any weapon, he is entitled to the concession of anticipatory bail.
6. Learned counsel in order to hammer-forth his contention that the petitioner is juvenile has drawn the attention of this to a copy of passport of the petitioner annexed as Annexure P-6, wherein the date of birth of the petitioner is referred as 3.8.2002.
7. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR had earlier been involved in three other cases, no case for grant of bail is made out.
8. I have considered rival submissions addressed before this Court.

9. A perusal of the passport of the petitioner would show that the petitioner as on the date of occurrence i.e. 14.1.2020 was less than 18 years in age. Further, the petitioner is not attributed any grievous injury and was not armed with weapon and is attributed kick blows only.
10. Having regard to the facts and circumstances of the case and particularly the tender age of the petitioner, the petition is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
11. It is however made clear that if the petitioner does not appear before the Investigating Officer, it shall be open to prosecution/Investigation Officer to move for cancellation of the bail.
12. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

14.7.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**