

CRM-M-26883 of 2020

[1]

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

CRM-M-26883 of 2020

Date of Decision: 09.09.2020

Sanju and another

Petitioners

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Shaheen Khan, Advocate for the petitioners.

Mr. Sumit Gupta, Addl. AG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for anticipatory bail in case FIR No. 165 dated 9.6.2020, under Sections 420, 467, 468, 471 IPC, registered at Police Station Uklana.

FIR No. 122 dated 1.5.2020 was registered against the petitioners under Section 307 IPC. The petitioners were treated as juvenile in conflict with law, as date of birth certificates prepared from CMC, Uklana were produced. As per the said certificates, date of birth of Ajay was 5.5.2005 and of Sanju was 6.6.2006. Treating them as juveniles, Juvenile Justice Board granted bail vide order dated 28.5.2020.

FIR No. 165 was registered at the instance of Mukesh stating

that false birth certificates have been produced to claim that petitioners were minors. As per the certified copies received from Civil Hospital, Hissar, date of birth of Ajay and Sanju is 21.10.1997 and 15.9.2001, respectively.

Learned counsel for the petitioners submits that the certificate issued by a Public Officer is admissible as evidence and that the petitioners are ready to join the investigation. It is further argued that by registering another FIR, there is multiplicity of proceedings, whereas Juvenile Justice Board should have been approached for cancellation of bail.

Learned counsel for the State states that a revision petition has already been filed for cancellation of bail in FIR No. 122. He further submits that forged certificates were produced not only for getting bail but also to influence the trial.

Considering the allegations and the fact that the complainant has already got certified copies of date of birth certificates, according to which the petitioners were major at the time of incident, no case is made out for grant of concession of anticipatory bail.

The petition is dismissed.

However, it is clarified that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

9th September, 2020

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |