

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-30361-2020 (O&M)****Date of Decision: 27.11.2020**

Amanat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

Mr. Vineet Sharma, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.50 dated 24.02.2020 registered at Police Station Sadar Tarn Taran under Sections 302, 341, 120-B, 148, 149 IPC and Sections 25, 27, 29 of the Arms Act.
2. At the very outset, learned counsel for the petitioner has submitted that it is a case where the petitioner was a juvenile at the time when the offence was allegedly committed on 24.02.2020 inasmuch as his date of birth is 20.03.2002 as would be evident from his birth certificate (Annexure P-2) and matriculation certificate (Annexure P-3), which are the documents duly recognized by Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
3. The petitioner has also challenged the order dated 13.08.2020 vide which he has been declared proclaimed offender by way of filing a

separate petition i.e. in CRM-M-39000-2020, wherein the operation of the order dated 13.08.2020 has been ordered to be kept in abeyance qua the petitioner.

4. Without commenting anything as regards the genuineness of the documents i.e. birth certificate (Annexure P-2) and matriculation certificate (Annexure P-3), the petition is disposed of with the following directions:

- (i) The petitioner to surrender before the Juvenile Justice Board within 10 days from today and upon the petitioner so surrendering, the Juvenile Justice Board shall release the petitioner on interim bail subject to his furnishing requisite bail bonds to the satisfaction of the Board and subject to any condition as may be imposed by the Board including appearance of petitioner before Special Juvenile Police Unit, if required.
- (ii) The Board shall conduct an inquiry as regards the juvenility of the petitioner. If the petitioner is found to be juvenile, the Board shall consider his release under Section 12 of the Act and pass an appropriate order.
- (iii) The petitioner is, however, specifically directed to be present before the Board on the day his bail application is to be heard and on the day when the order on his bail application is to be pronounced or on any other day as directed by Board.
- (iv) If the Board, upon inquiry regarding age comes to conclusion that the petitioner is not a juvenile, he shall be produced before Illaqa Magistrate who shall proceed

further in accordance with law. The petitioner shall appear before the Board on all the dates unless specifically exempted.

- (v) The interim bail shall come to an end if petitioner is not found to be juvenile or in case his application is dismissed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. It is made clear that the Board shall decide the question of juvenility and also the petition without being influenced by any observations as may be made in the instant order.

(GURVINDER SINGH GILL)
JUDGE

27.11.2020

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**