

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

207

CRM-M-38960-2020 (O&M)

Date of Decision: 04.12.2020

Harmandeep Singh @ Golu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mikhail Kad, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(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.340 dated 07.11.2020 at Police Station Sadar Dhuri, District Sangrur, under Sections 452, 341, 323, 506, 34 IPC.
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 04.11.2020 inasmuch as his date of birth is 09.12.2004 as would be evident from Annexure P-3 i.e. the certificate issued by the Principal, Government Senior Secondary School, Ballian, Longowal (Sangrur), where the petitioner is studying.

3. Without commenting anything as regards the genuineness of the document i.e. the certificate issued by the Principal, Government Senior Secondary School, Ballian, Longowal (Sangrur) (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

04.12.2020
Vimal

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