

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-6150 of 2021 (O&M)

Date of decision: 12.03.2021

Bashir Ahmad Dar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)
CRM-7640-2021

By this application, a copy of the judgment and order of the learned Principal Magistrate, Juvenile Justice Board, Hoshiarpur, dated 10.08.2018, is sought to be placed on record with the accompanying petition, by which one of the accused in the FIR in question, who was a juvenile, was held to be in conflict with law and therefore held liable for the commission of an offence punishable under the provisions of Section 15 of the Narcotic Drugs and Psychotropic Substance Act, 1985, with him thereafter having been ordered to be placed in a special home to undergo internship for a period of 15 months, as per Section 18 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

No notice having been issued in the accompanying petition, the application is allowed and the aforesaid judgment and order dated 10.08.2018 is taken on record as Annexure P-5 with the accompanying petition.

CRM-M-6150 of 2021

Learned counsel for the petitioner submits that since now even the diary number of the appeal filed by the respondent-State against the judgment of acquittal of the co-accused of the aforesaid juvenile, has been made available to him, he will be moving an appropriate application to be tagged with the aforesaid appeal and consequently, he may be allowed to withdraw this petition with permission to file the said application.

Dismissed as withdrawn.

Obviously, the liberty to move an appropriate application before the appropriate Bench would always be available but with nothing stated thereon by this court with regard to the merits of the application.

Of course, it is necessary to state here that whether an application of the kind that has been dismissed by the learned Special Judge, Hoshiarpur, should have been filed before that Court or the Juvenile Justice Board that actually held the juvenile to be in conflict with law, is another matter, but in any case since an appeal has been filed by the State against the judgment of acquittal passed by the learned Special Judge, to my mind, the application/petition for release of the vehicle in question would need to be filed before the hon'ble Bench that would consider that appeal.

(AMOL RATTAN SINGH)
JUDGE

12.03.2021
D.Bansal

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No