

**205-b IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CRM-M No.7588 of 2021

Date of decision : August 27, 2021

Kuljeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH J. (ORAL)

The case has been taken up for hearing through video conferencing.

The prayer made in the present petition is for grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.340 dated 12.12.2020, registered under sections 25 and 27 of the Arms Act, 1959 and Sections 148, 149, 323, 324, 506 IPC (Section 326 IPC added later on), Police Station Sadar Ratia, District Fatehabad.

On 09.03.2021, following order was passed:

“In compliance of order dated 18.02.2021, the proof in respect of date of birth of the petitioner has been placed on record in the form of Aadhaar Card No.371454503510, showing the date of birth of the petitioner to be 10.02.2004. In the document attached as Annexure P-2 with

the petition, the date of birth of the petitioner is

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shown to be 08.02.2004 as per Primary School record.

As per the allegations, the petitioner is an author of injury under Section 326 IPC as he had given kappa blow on the forehead of the complainant-Jasbir Singh. The petitioner is also known by alias name of Bagga Singh and his father name is Kulwinder Singh @ Naku Singh.

Learned counsel for the petitioner submits that under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the petitioner is entitled for bail irrespective of heinousness of the offence. 1 of 2

Co-accused-Rajpal Singh has been granted interim anticipatory bail vide order dated 15.02.2021 passed in CRM-M6011-2021.

In view of above, adjourned to 10.05.2021.

To be heard alongwith CRM-M-6011-2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed. ”

Learned counsel for the petitioner submits that the petitioner is a minor and he has been alleged to have inflicted a kappa blow on the forehead of the complainant Jasbir Singh. The petitioner is entitled to anticipatory bail in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in respect of the nature of injury allegedly inflicted by him.

Learned State counsel, on instructions from ASI Jitender Singh, admits that one kappa was recovered from the

petitioner. Vide the aforesaid order the arrest of the petitioner

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was stayed. Vide order of even dates, co-accused, namely Bagga Singh (minor) and Rajpal Singh (minor) have been advanced concession of anticipatory bail.

In view of the aforesaid, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 02.09.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

August 27, 2021

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