

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

CRR No.538 of 2021

Date of Decision:- 20.12.2021.

Gurvinder Singh alias Ginda

.....Revisionist-Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Sukhmeet Singh, Advocate
for the revisionist-petitioner.

Mr. Sukhbeer Singh, A.A.G, Punjab.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 11.08.2020 passed by learned Principal Magistrate, Juvenile Justice Board, Faridkot, rejecting the application as moved by the revisionist-petitioner (for short, “the petitioner”) for seeking the relief of regular bail as well as the judgment dated 15.10.2020 as handed down by learned Additional Sessions Judge, Faridkot, dismissing the Criminal Appeal preferred by him against the said order, the petitioner has moved this revision petition with a prayer to set aside the same and to grant him the afore-said relief.

The facts, in brief, culminating in the filing of the instant revision petition are that a criminal case was registered against the petitioner and his co-accused named Jaskaran Singh @ Karan, Anu and Jagmeet Singh at Police Station City Faridkot, District Faridkot, vide FIR

No.123 dated 14.04.2020, under Sections 307, 324, 323, 34, 379-B, 188 and 341 IPC (wherein the offence under Section 307 IPC is stated to have been deleted and the offence under Section 302 IPC is stated to have been added later on) with the allegations that they intercepted the victim named Pappu Chaudhary and caused injuries to him with the weapons like “Kapa”, hockey, knife etc. which proved fatal for him.

I have heard learned counsel for the petitioner as well as learned State counsel in the present revision petition and have also perused the file thoroughly.

Learned counsel for the petitioner has contended that while passing the impugned order as well as the judgment, both the Courts below have not appreciated the provisions as contained in Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 in the right perspective and have not recorded any cogent and plausible reasons for considering the present matter to be covered under the proviso appended thereto and therefore, the same are not legally sustainable and are liable to be set aside and the petitioner deserves to be extended the relief as prayed for in the present petition.

Per contra, learned State counsel has argued that the petitioner, along-with his said co-accused, opened the attack upon the deceased with deadly weapons like “Kapa”, hockey, knife etc and both the Courts below have correctly observed that his (petitioner’s) release on bail would defeat the ends of justice and is also likely to bring him again in the association with other criminals and in these circumstances, the present petition

deserves dismissal.

As per the allegations levelled in the said FIR, the petitioner and his afore-named co-accused intercepted the victim while he was on his way to the grain market and they were armed with the above-said weapons. The petitioner is alleged to be carrying a hockey and to have caused injuries on the head and stomach of the victim/deceased, along-with his co-accused, which ultimately led to his death. These allegations, in themselves, speak volumes of the fact that the petitioner and his co-accused had opened the assault on the victim in a planned manner and moreover, the petitioner was more than 16 years old at the time of the alleged occurrence as is explicit from the perusal of the impugned judgment dated 15.10.2020 wherein, in the array of the parties, his age has been mentioned to be about 17 years meaning thereby that he (petitioner) was very well aware of the consequences and intricacies of the offence allegedly committed by him and in these circumstances, it is explicit that both the Courts below have rightly observed that the release of the petitioner on bail may expose him to other criminals and would also defeat the ends of justice.

As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, perversity or irregularity in the impugned order passed by the Principal Magistrate, Juvenile Justice Board as well as the judgment rendered by the Additional Sessions Judge so as to call for any interference by this Court and hence, the petitioner does not deserve the relief of regular bail. Resultantly, the instant revision petition, being *sans*

any merit, is hereby dismissed.

However, keeping in view the fact that the petitioner is in custody since 15.04.2020, the Juvenile Justice Board, Faridkot, is hereby directed to expedite the trial of the case pending before it against him (petitioner) and decide the same preferably within a period of four months from the date of receipt of the certified copy of this order.

It is further clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

December 20, 2021

Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*