

CRM-M-23359-2021

Date of Decision: 01.07.2021

Ankit @ Pari

.....Petitioner

Vs.

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vivek Kathuria, Advocate,  
for the petitioner.

Mr. A.M. Punchi, P.P., U.T., Chandigarh.

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AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 94, dated 31.03.2018, registered at Police Station Sector 11, Chandigarh, for the alleged commission of offences punishable under the provisions of Sections 147/149/324/302 of the IPC (charges framed under the provisions of Sections 302/307/324/34 of the IPC).

At the outset, Mr. Punchi, learned P.P. U.T., Chandigarh, has raised a question of maintainability of the petition itself, on the ground that the petitioner who was a juvenile at the time of the occurrence in question, is being tried by a childrens' court and it has been held by this court (co-ordinate Bench) in Vicky vs. State of U.T., Chandigarh (CRM-M-21388-2020), decided on 31.08.2020, that even though a childrens' court is presided over by a Sessions Judge/Additional Sessions Judge, the procedure to be followed for making an application seeking to be admitted to bail would be by first applying to the Juvenile Justice Board, in terms of the Juvenile

Justice (Care and Protection of Children), Act, 2015, after which, if the said petition/application is rejected, the remedy would be by way of an appeal under that Act and only thereafter would a revision lie before this court, with a petition under the provisions of Section 439 of the Cr.P.C. not being maintainable at all.

Upon the aforesaid objection raised by the learned P.P., Chandigarh, Mr. Kathuria, learned counsel for the petitioner, submits that he would like to withdraw this petition to enable the petitioner to avail of the aforesaid remedy.

Dismissed as withdrawn as aforesaid.

July 01, 2021  
nitin

(AMOL RATTAN SINGH)  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes  
No.