

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-1372-2021 (O&M)
Date of Decision:-22.11.2021

Harkirat Singh @ Anmol ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Goyal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 20.9.2021 passed by the Court of learned Additional Sessions Judge, Jalandhar vide which an appeal filed by the petitioner against order dated 2.8.2021 passed by learned Principal Magistrate, Juvenile Justice Board, Jalandhar dismissing his bail application, has been dismissed.
2. The FIR in question was lodged at the instance of Swaran Singh, wherein it has been alleged that on 10.12.2020 when he alongwith his son Amandeep Singh was present at their home, they came to know that locks of the gate of Gurudwara Sahib have been broken. In the meantime, Ajay Kumar, a resident

of the locality, came to their house and complainant's son Amandeep Singh accompanied by Ajay Kumar went towards Gurudwara Sahib on Aactiva scooter while the complainant also followed them on his motorcycle. Upon reaching near Gurudwara Sahib at about 9:30 p.m., the complainant noticed Paramjeet Singh, who resides in Gurudwara Sahib, his son Prabhmeet Singh, Jeevan and Anmol, both sons of Jaspal Singh, who are nephews of Paramjeet Singh, Vishal, Sangat Singh (son-in-law of Paramjeet Singh), Varun @ Tarun and few other unknown persons, who were all causing injuries to complainant's son Amandeep Singh and Ajay Kumar. It is alleged that Vishal took out the holy '*kirpan*', which he was wearing and inflicted a blow with the same upon Amandeep's neck. The remaining persons were also carrying '*kirpans*' and '*datars*' and were raising '*lalkaras*' that Amandeep Singh has been taken care of. When the complainant raised alarm, the accused ran away from the spot. Although, Amandeep Singh was rushed to hospital but he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that although he is named in the FIR but no specific role is attributed to him and that it is Paramjeet Singh, who is the main accused and who caused injury on the neck of deceased Amandeep Singh resulting in his death. Learned counsel has further submitted that a perusal of the post mortem report itself shows that it is not a case where a large number of injuries had been caused to the deceased as has been alleged in the FIR. Learned counsel has submitted that the petitioner, in any case, is a juvenile and, as such, deserves to be released on bail, whereas the Principal Magistrate, Juvenile Justice Board, Jalandhar as well as the Court of learned Additional Sessions Judge, Jalandhar have not appreciated the said aspect and other material aspects in the correct perspective.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is stated to be present alongwith main accused when the main accused inflicted blow on the neck of deceased and there are also allegations that the remaining accused also caused injuries, no case for grant of bail is made out. Learned State counsel has further submitted that Principal Magistrate, Juvenile Justice Board, Jalandhar as well as the learned Additional Sessions Judge, Jalandhar had duly taken into account the social investigation report and had then come to a conclusion that release of the petitioner on bail was not in juvenile's interest and in these circumstances, the petitioner does not deserve to be released on bail.
5. I have considered rival submissions addressed before this Court.
6. There is no dispute as regards juvenility of the petitioner. A perusal of the FIR would show that it is co-accused Paramjeet Singh, who is specifically attributed an injury on the neck of deceased, which proved fatal. Though, as per FIR a large number of accused, who are alleged to be armed with 'kirpans' and 'datars' were present and are alleged to have caused injuries, but the post mortem report (Annexure P-3) does not substantiate the said fact inasmuch as it is not a case where a large number of injuries were found on the person of deceased and that it is a case where one deep gaping incised wound was found on the neck of deceased apart from 2 lacerated wounds on the left shoulder, which apparently were caused when the deceased fell down. No injury with a sharp edged weapon other than the solitary injury caused by Paramjeet Singh, was found on the dead body.
7. In view of the aforestated position, the petitioner, who is a juvenile, deserves to be released on bail. The revision petition, as such, is accepted and the

impugned order dated 20.9.2021 passed by the Court of learned Additional Sessions Judge, Jalandhar and order dated 2.8.2021 passed by learned Principal Magistrate, Juvenile Justice Board, Jalandhar are hereby set aside. Consequently, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

8. However, it is directed that father of the petitioner and other elder members of his family shall constantly monitor the movements of the petitioner and counsel him to maintain good conduct and to keep away from the company of any criminal type of elements. If necessary, father of the petitioner shall arrange for professional counselling of the petitioner as well.

22.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No