

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

**CRM-M No.16059 of 2022
Date of Decision: 23.05.2022**

Karandeep @ Karan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

ANUPINDER SINGH GREWAL J. (ORAL)

The petitioner is seeking regular bail in FIR No.61 dated 30.08.2020, under Sections 302, 449, 323, 148, 149, 120-B of IPC, registered at Police Station Pojewal, District SBS Nagar.

Learned counsel for the petitioner contends that it is alleged that the petitioner has caused two injuries with a *Datar* on the back and left hand of the deceased. These injuries were declared to be simple in nature. The injuries, which have resulted in the death of the deceased, are attributed to co-accused Ravinder Singh @ Gurvinder Singh @ Palli and Mandeep Kumar, who are in custody. The petitioner was 17 ½ years of age at the time of the incident and similarly situated co-accused Manjit Kaur has been granted regular bail. It is alleged that co-accused Manjit Kaur had strained relations with her in-laws family and she had instigated the accused to attack her in-laws which resulted in the death of her father-in-law. He further submits that he had earlier preferred regular bail

before this Court vide **CRM-M No.16381 of 2021** which was disposed of by relegating the petitioner to avail his remedy under Section 12 of the Juvenile Justice (Care and Protection of Children), Act, 2015. The petitioner had preferred the application under Section 12 of the Juvenile Justice (Care and Protection of Children), Act, 2015, which was dismissed by the Juvenile Justice Board on 24.11.2021 (Annexure P-3). He had, thereafter, erroneously preferred a revision petition before the Sessions Judge, although an appeal under Section 101(a) would be maintainable before the Sessions Court against the order. The revision petition has been dismissed and consequently, the petitioner would be without a remedy as in case of dismissal of an appeal by the Sessions Court, revision would have been maintainable before this Court.

Learned counsel further submits that the petitioner was ordered to be tried as an adult but that order has been challenged by him, which is pending adjudication before the Sessions Court. The petitioner is not involved in any other criminal case.

Learned State counsel has filed short reply by way of affidavit of Tarlochan Singh, PPS, Deputy Superintendent of Police, Sub Division Balachaur, District SBS Nagar on behalf of the respondent-State and the same is taken on record. He, upon instructions from ASI Balwinder Singh, states that the petitioner is in custody for 01 year and 09 months and he is not involved in any other criminal case, however, in view of serious allegations against him, he is not entitled to concession of

regular bail.

Heard.

In view of the above, especially when the petitioner was under 18 years of age at the time of the incident, he is in custody for 01 year and 09 months, injuries attributed to him are simple in nature, he is not involved in any other criminal case, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

23.05.2022

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No