

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-51475 of 2021
Date of Decision:11.02.2022

Alam

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Arti Kaur, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 10.12.2021 the following order had been passed by this court:-

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR no.108, dated 14.10.2021, having been registered at Police Station Rahon, District SBS Nagar, alleging therein the commission of offences punishable under the provisions of Sections 379 and 411 IPC (added later on).

Learned counsel for the petitioner points to Annexure P-2, which is a copy of the school leaving certificate of the petitioner, showing his date of birth to be 12.04.2005, thus making him slightly over 16½ years of age on the date of the alleged commission of the offence. She next points to Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2015, to submit that the said provision is only in the context of a juvenile in conflict with law who

has already been arrested and who seeks to be admitted to bail, with the petitioner presently seeking anticipatory bail and therefore there being no bar on this court entertaining such petition at the first instance, even though a similar petition has been dismissed by the learned Sessions Judge, SBS Nagar, on that ground alone, on 25.10.2021.

At this stage, simply looking the fact that the petitioner is alleged to have been implicated on a disclosure statement allegedly made in police custody and the fact that he is prima facie shown to be a juvenile, notice of motion is issued.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent.

Requisite number of copies of the petition be handed over to learned counsel for the respondent during the course of the day.

In the meanwhile, the petitioner would appear before the Area Magistrate concerned within one week and upon him so appearing, that court would summon the investigating officer and ensure that the petitioner is joined in the investigation; and in case he is sought to be arrested, he would be admitted to interim bail to the satisfaction of the arresting officer/Ilaqa Magistrate, till the next date of hearing before this Court.

Adjourned to 11.02.2022.”

Today learned State counsel submits, on instructions from ASI Ram Lal, that the petitioner having joined investigation, his custodial interrogation is not required.

That being so, in my opinion the issue of whether such a petition should come before this court or go before the Juvenile Justice Board, is actually rendered academic and consequently, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 10.12.2021 made absolute on the

same terms and conditions.

February 11, 2022
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No