

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

CRM-M-49088-2019

Date of Decision:- 19 .09.2022

Navjot Singh @ Nav.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Deepak Arora, Advocate for the Petitioner.

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 482 Cr.PC is for quashing of order dated 19.10.2019 (Annexure P-3) passed by Additional District & Sessions Judge, Amritsar in case bearing No.CRR/12414/333 dated 01.09.2019 (CNR No.PBAS010205062019) titled as Navjot Singh @ Nav Vs. State of Punjab vide which the revision filed by the petitioner against the order dated 29.08.2019 (Annexure P-2) passed by Principal Magistrate, Juvenile Justice, Amritsar has been dismissed and bail has been declined to the petitioner in FIR No.146 dated 25.06.2019 under Sections 302, 307, 34 IPC registered at Police Station Beas, District Amritsar (Rural) (Annexure P-1).

The brief facts of the case are that the statement of Ranjit Singh was recorded to the effect that he was a labourer. On 25.6.2019 his brother Sandeep along with Gurpreet Singh son of Jagatpal were going for doing paint work on the motor cycle of Sandeep. Behind them he (complainant) was also riding on the motorcycle of Gurpreet son of Dilbagh. At about 8.30 am Tejwinder Singh @ Jagga (since granted bail vide order dated 01.09.2022), Navjot Singh @ Nav (Juvenile/Petitioner), Heera Singh and

Akbar Singh @ Toni came there and caused multiple injuries on the person of his brother Sandeep and Gurpreet Singh son of Jagatpal. On raising an alarm the assailants ran away from the spot. He along with Gurpreet Singh son of Dilbagh Singh arranged the conveyance and brought his brother Sandeep and Gurpreet Singh son of Jagatpal Singh injured to the hospital where his brother Sandeep was declared dead.

The Counsel for the petitioner contends that in the main trial pending against the co-accused of the petitioner all material witnesses namely, Ranjit Singh and Gurpreet Singh have been examined and have not supported the case of the prosecution. He contends that the main accused Tegwinder Singh @ Jagga has been granted the concession of regular bail by this Court on 01.09.2022. So far as the Petitioner is concerned, he has been attributed injuries on the witnesses and not on the deceased as is the case with Tegwinder Singh @ Jagga. In the case against the petitioner pending before the Juvenile Court the trial has not yet begun as determination in terms of Section 15 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 is still to take place. He contends that the petitioner is in custody since 25.07.2019 and, therefore, deserves the concession of regular bail.

The Counsel for the State on the other hand does not dispute the factual position that two material witnesses have been examined and they have not supported the case of the prosecution. He also admits the period of custody undergone by the Petitioner. He also admits the preliminary assessment as per the statutory provisions of Section 15 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 is yet to be concluded and the same would decide whether the petitioner is to be dealt with by the Juvenile Justice Board or his case would be referred to the Children's Court/Sessions Court for being tried as an adult. He further admits that co-accused of the petitioner Tegwinder Singh @ Jagga who is stated to be main accused has been granted the concession of bail by this Court vide order dated 01.09.2022.

I have heard learned counsel for the parties at length.

Admittedly, the petitioner is in custody since 25.07.2019. The main accused who has been attributed injuries to the deceased has been granted the concession of bail by this Court vide order dated 01.09.2022 as

two material witnesses examined in the case have not supported the case of the prosecution. In the case of the petitioner, determination in terms of Section 15 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 is yet to take place and, therefore, the trial is not likely to be concluded any time soon. Therefore, the further incarceration of the petitioner is not required.

In view of the above, the impugned orders dated 19.10.2019 passed by the court of Additional Sessions Judge, Amritsar (Annexure P-3) as well as order dated 29.08.2019 passed by Principal Magistrate, Juvenile Justice, Amritsar (Annexure P-2) are hereby set aside and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Amritsar/Duty Magistrate.

(JASJIT SINGH BEDI)
JUDGE

September 19, 2022
Vinay

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