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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7896-2023

Date of Decision: 25.04.2023

MANISH KUMAR (MINOR) THROUGH HER MOTHER
..... PETITIONER

VS

STATE OF PUNJAB RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. J.S.Dhaliwal, Advocate for the petitioner.

Mr. J.S.Bhandari, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

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This petition is filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No. 106 dated 15.11.2022 under Sections 398, 341, 323, 506, 148, 149 of IPC registered at Police Station Jhunir, District Mansa.

Learned counsel for the petitioner submits that the petitioner was about 17 years age at the time of offence and his name is surfaced during disclosure statement made by the co-accused. He further submits that learned Additional Sessions Judge, Mansa has dismissed the application of grant of anticipatory bail. Now the parties have entered into amicable settlement. The copy of the settlement is placed on the

record. Counsel for the petitioner has placed reliance in case CRR-264-2022.

Learned State counsel has opposed the prayer made by learned counsel for the petitioner.

The para No.12 and 13 of the order passed in CRR-264-2022 are as under:-

“12. In the wake of the above, and, irrespective of this Court, quashing the impugned order, thereupon, this Court reserves liberty to the juvenile in conflict with law, to suo motu cause his appearance, before the Board concerned, and, such appearance shall be deemed to be his surrender, before the Board concerned, and, also his constructive custody, or his deemed custody, before the Board concerned, which shall if satisfied, that the report of the Social Investigator, does not cause breach the proviso to sub-Section 1 of Section 12 of the Act, shall in accordance with law, grant him bail with or without surety, or shall proceed to make such lawful orders, as deemed fit.

13. In consequence, with the above liberty to the juvenile in conflict with law, to make his suo motu appearance before the Board, whereupon, the Board concerned, shall forthwith invite the social investigation report, with respect to the juvenile in conflict with law, and, appertaining qua if admitted to bail, he would not be exposed to moral, physical or psychological danger, and, if a report dis-affirmative, to the juvenile, in conflict with law, yet is made, by the Social Investigator concerned, thereupon, the Board concerned, may make an order, in accordance with law, qua the juvenile in conflict with law, being put under the supervision of a Probation Officer or under the care of any fit person.”

Keeping in view that the petitioner is a juvenile and should not be kept in the police custody. If kept in such custody, it will entail moral, physical or psychological danger to his mind and body. Parties have also entered into compromise. The petition is allowed.

The petitioner shall surrender within a week before Juvenile Justice Board concerned and he shall be admitted to bail on his furnishing bonds to its satisfaction.

Petition disposed of.

25.04.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No