

In the High Court of Punjab and Haryana at Chandigarh

2023 : PHHC : 074437

Date of Decision: 22.05.2023

CRR No. 1062 of 2021

Prosecurix Namely 'A'

---Petitioner

versus

State of Haryana and another

---Respondents

CRR No. 197 of 2022

Mustakeem

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner in CRR-197 of 2022

Mr. Jagjot Singh, Advocate
for Mr. Kunal Dawar, Advocate
for the petitioner in CRR-1062 of 2021

Ms. Dimple Jain, DAG, Haryana

Mr. Rohit Chaudhary, Advocate
for the complainant in CRR-197 of 2022

JAGMOHAN BANSAL, J. (ORAL)

By this common order, CRR No. 1062 of 2021 and CRR
No. 197 of 2022 are hereby adjudicated as both are arising out of
common cause of action. For the sake of convenience, facts are

borrowed from CRR No.1062 of 2021.

Through the instant petition, the petitioner is seeking setting aside of order dated 24.08.2021 whereby Additional Sessions Judge, Fast Track Special Court, Faridabad has allowed application of the respondent to declare him juvenile.

Learned counsel for the petitioner inter alia contends that private-respondent has been declared juvenile on the basis of birth certificate produced by father of the accused. The courts below have relied upon birth certificate produced by father of respondent whereas petitioner has collected matriculation certificate of the respondent which is telling a totally different story.

On being confronted with the aforesaid facts, learned counsel for the accused submits that enclosed matriculation certificate has been placed on record for the first time before this Court and this needs to be scrutinized as well as verified before passing any order.

Learned counsel for the parties are ad idem that matter may be remanded to trial court to consider documents produced by petitioner as well as respondent to ascertain age of the respondent/accused.

In view of statement of learned counsel for the parties, the above petitions are disposed of with a direction to Juvenile Justice Board, Faridabad to decide afresh question of age of the respondent/accused. The Juvenile Justice Board is requested to pass a fresh order after granting just, fair, reasonable opportunity to both sides and considering mandate of Section 94 of Juvenile Justice Act.

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The parties, at the first instance, are directed to appear before Juvenile Justice Board on 15.07.2023 i.e. date already fixed before the Board and thereafter as directed by the Board. The Board considering the fact that respondent is behind the bars since 05.09.2020, decide the question of juvenility expeditiously and preferably within three months from 15.07.2023.

Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No