

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**290****CRM-M No.39471 of 2023****Date of Decision : 17.08.2023**

RXXXXXXXXX

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.37 dated 12.06.2023 under Section 306 of the Indian Penal Code, 1860 registered at Police Station Jhander, District Amritsar (Rural).

2. The petitioner in the present case is a minor and instead of approaching the Court under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015, he has chosen to file the present petition under Section 438 CrPC for grant of anticipatory bail.

3. Learned counsel for the petitioner is unable to convince this Court that the present petition under Section 438 CrPC for grant of anticipatory bail would be maintainable when there is a special enactment dealing with juveniles. Learned counsel for the petitioner, after arguing for sometime, seeks liberty to avail his alternate remedies. He states that the

petitioner is ready and willing to appear and surrender before the Juvenile Justice Board concerned.

4. In view of the limited prayer made by learned counsel for the petitioner, the present petition is disposed off with a direction to the petitioner to appear and surrender before the Juvenile Justice Board concerned within a period of 10 days from today. Till then, no coercive steps be taken against the petitioner. In the event of the petitioner failing to surrender before the Juvenile Justice Board within a period of 10 days from today, the present petition shall be deemed to having been dismissed. In case on appearance the petitioner moves an application for bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the same shall be decided expeditiously, in accordance with law.

5. Disposed off in the above terms. Pending applications, if any, also stand disposed off. It would be appropriate if the name of the juvenile is masked in the present case.

(ALKA SARIN)
JUDGE

17.08.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO