

CRR-1338-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

242

CRR-1338-2021

Date of Decision:-10.04.2023

Mukeem @ Mukki

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

The present petition raises challenge to the order dated 25.02.2021, whereby the application of the petitioner to be considered as and tried as juvenile, has been dismissed.

Learned counsel for the petitioner has argued that the school certificate (Annexure P-2) clearly states the date of birth of the petitioner is 03.02.2003 and therefore, the petitioner was aged 16 years and 10 months on the date of alleged incident i.e. 26.12.2019. He further relies upon the statement of the Sub-Inspector Sita Ram (Annexure P-7) to substantiate that the investigating agency did not collect any record *qua* his proof of date of birth except the birth certificate of the school namely Government High Primary School.

CRR-1338-2021

Learned counsel for the petitioner vehemently argued that even the testimony of the Head Master of the said school and the father of the petitioner duly recorded that the petitioner was born on 03.02.2003.

Learned State counsel has vehemently opposed the petition and has argued that the cross-examination of the Head Master of the school clearly demonstrates that the minimum age for admission in the school was 5 years and therefore, the admission taken on 17.04.2006 has to be taken that the petitioner was of at least 5 years of age in the year 2006. He further submits that the testimony of the father of the petitioner also raises doubt as the father was not able to tell the date of birth of his other children (6 in number) but only remembered the exact date of birth of the petitioner. The father himself has failed to produce any document on record to demonstrate that the petitioner was less than 18 years on the date of incident.

After considering the entire matter, I do not find any merit in the petition, as the document relied upon by the petitioner does not inspire confidence, in light of the fact especially the testimony and cross-examination of the head master as well as the father of the petitioner.

Accordingly, the present petition is dismissed.

(ALOK JAIN)
JUDGE

April 10, 2023

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No