

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-20108-2024
Date of decision: 24.07.2024

VIKRAMJEET SINGH @ VICKY (MINOR) THROUGH HIS MOTHER
GURJEET KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.S. Sangha, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.179 dated 25.11.2023 (Annexure P-1), under Sections 307, 341, 323, 506, 427, 148 and 149 of IPC, (section 325 of IPC was added later on) registered at Police Station Sadar Kotkapura, District Faridkot.
2. On 24.04.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. The petitioner, who is a child in conflict with law, as he claims himself to be 16 years of age, has filed the instant petition under Section 438 of the Cr.P.C., through his mother, thereby seeking grant of anticipatory bail, in case FIR No.179 dated 25.11.2023, under Sections 307, 341, 323, 506, 427, 148, 149 of the IPC (Section 325 of the IPC added subsequently), registered at P.S. Sadar Kotkapura, District Faridkot.

2. The learned counsel for the petitioner, in his asking for the relief



(supra), submits that the petitioner has nothing to do with the alleged crime and he has been falsely implicated in the present FIR. Nonetheless, even if the allegations levelled in the present FIR are taken to be a gospel truth, yet he has only been attributed “simple injuries”, which at the most, attracts the bailable offence of Section 323 of the IPC.

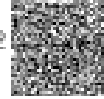
3. The final and most important plea, as raised through the instant petition, is that, the petitioner is a juvenile having age of 16 years, hence, he cannot be arrested by the police. The learned counsel for the petitioner further submits that the petitioner had earlier approached the Court of learned Additional Sessions Judge, Faridkot, for the relief of anticipatory bail, however, the same was declined to him vide order dated 15.04.2024 (Annexure P-3), on the ground that, petition under the provisions of Section 438 Cr.P.C., on behalf of a juvenile, is not maintainable.

4. Notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State.

6. This Court has examined the entire record as well as the pleas raised by the learned counsel for the petitioner. Before this Court evinces any opinion upon the amenability of this petition for being allowed or not, it is deemed apt to first deal with the gist of the allegations, which are narrated in paragraph No.2 of Annexure P-3. The relevant extract of paragraph No.2 (supra) is reproduced hereinafter:-

“....On 23.11.2023, the complainant accompanied by Gurdeep Singh came to village Nawan Nathewala to meet their cousin, Karamjit Kaur. They reached near village at about 10:30 AM and then they were waylaid by a group of accused accompanied by applicant Vikramjit Singh @ Vicky. All the accused were armed with deadly weapons and they encircled the complainant and his companion. On the exhortation raised by accused Sukhpreet Kaur for



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teaching them a lesson in helping Karamjit Kaur, her neighbourer, for constructing a house, the other accused led assault upon the complainant and his companion with their respective weapons...”

7. It transpires from the record that, during the course of investigation, offence under Section 325 of the IPC was added in the present FIR.

8. The sole allegation against the petitioner is that, he gave a blow with baseball bat, which hit on complainant's back. Considering the role attributed to the petitioner, coupled with the fact that veracity of the allegations, as levelled in the present FIR, is yet to be established before the learned trial Court concerned, through adduction of evidence, this Court deem it appreciate to grant relief of interim anticipatory bail to the petitioner. Therefore, the petitioner, through his mother, is directed to cause appearance before the Juvenile Justice Bard concerned, on 26.04.2024, and on his doing so, the petitioner be released on interim bail, subject to his furnishing surety bonds to the satisfaction of the Board concerned.

9. Thereafter, the Board concerned is directed to take necessary action, as required under Sections 14 and 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred 'Act of 2015'), and, to conduct a detailed inquiry to ascertain the age of the petitioner. The Board shall also conduct a preliminary assessment, as the alleged offences falls within category of 'heinous offences', as prescribed under Section 15 of the Act of 2015. After making compliance of directions (supra), the Juvenile Justice Board concerned shall forthwith send a report, thereby apprising this Court about the outcome of aforesaid inquiry.

10. Adjourned to 29.04.2024, for awaiting report.

11. To be heard along with CRM-M-19927-2024”

3. In view of the directions (supra) as issued by this Court, the petitioner

could not cause his appearance before the Juvenile Justice Board concerned, and thereafter, vide order dated 20.05.2024, the petitioner through his mother was again directed to cause appearance before the Juvenile Justice Board concerned, to comply with the directions (supra), as issued by this Court, vide order dated 24.04.2024.

4. A report No.893 dated 18.07.2024, has been received from the Juvenile Justice Board, Fardikot, according to which the petitioner along with his mother had caused appearance before the said board on 06.05.2024, and furnished the bail bonds/surety bonds. Thereupon, exercise of powers under Section 15 of the Act of 2015, was carried out by the latter concerned, and thereupon, a decision was made that the petitioner will to be tried as a juvenile.

5. In view of the above, the present petition is **allowed** and the interim directions passed by this Court, vide order dated 24.04.2024 is hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

24.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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