



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

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**CRR No.1312 of 2023
Date of decision : 8.8.2024**

Manas Mattu (minor through his next friend and guardian Kamal Kumar)

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. H.S. Rakhra, Advocate, for the petitioner

Mr. Yuvraj Singh, AAG Punjab

Mr. Rahul Chauhan, Advocate, for respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present revision petition has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the order dated 1.5.2023, passed by the Additional Sessions Judge (Fast Track Court), Amritsar, vide which the bail application of the petitioner-jvenile (in conflict with law) was dismissed in case FIR No.27 dated 11.3.2023, under Sections 363, 366 IPC (Section 506 IPC added later on vide Rapat no.24 dated 15.3.2023), registered at Police Station Division-C, District Amritsar.

2. On 31.7.2024, the following order was passed:-

Apprehending his arrest in FIR No. 27 dated 11.03.2023 registered for offences punishable under Sections 363,366 and 506 IPC at Police Station 'C' Division, Amritsar; the petitioner has preferred this petition under



Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 seeking pre-arrest bail.

Inter alia contends that the learned Court below has wrongly declined the grant of anticipatory bail to the petitioner by saying that there is no provision for grant of anticipatory bail to a JCL (juvenile in conflict with law) whereas it has been clearly held in the dicta of the judgment of this Hon'ble Court titled 'Jatin versus State of Punjab passed in CRM-M-17856 of 2020 that pre-arrest/anticipatory bail preferred on behalf of a JCL (juvenile in conflict with law) is also maintainable; petitioner has been falsely implicated into the FIR in question as there was a consensual friendship between the petitioner and the victim, which was not to the liking of the victim & the petitioner is willing to join investigation and cooperate therein.

Let fresh notice be issued by Dasti only qua respondent No. 2

The petitioner is directed to appear before the Investigating Officer on 03.08.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.

It is made clear that in case requisite service is not effected upon respondent No. 2 by way of Dasti process, the interim order may be liable to be vacated on this score alone.

3. Learned State counsel (on instructions from ASI Sarabjit Singh) submits that pursuant to the order dated 31.7.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel appearing for the complainant has filed his *vakalatnama*, which is kept on record. He vehemently opposes the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature and hence, he ought not to be extended the concession of anticipatory bail.



5. I have heard learned counsel for the parties and have perused the available record.

6. Keeping in view the entirety of the facts and circumstances of the case, especially the factum of the petitioner being a JCL (Juvenile in conflict with law) as also that he has joined the investigation and not required for custodial interrogation; the interim order dated 31.7.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973, or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

8.8.2024
Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No