



CRM-M-31813-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31813-2023

Date of Decision : May 22, 2024

GURJOT SINGH @ GOATI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Jagjeet Singh, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 06.07.2023, a Co-ordinate Bench of this Court had passed the hereinafter extracted order upon the instant petition:-

“The petitioner, who is stated to be a juvenile being 16 years of age, has preferred this petition under Section 438 Cr.P.C apprehending his arrest in case FIR No.36, dated 27.02.2023 under Sections 302, 201, 34 IPC, at Police Station Jandiala Guru, District Amritsar (Rural), (Annexure P-1).

Learned counsel for the petitioner has argued that the only allegation against the petitioner is that he is allegedly seen in the CCTV footage outside the house where the crime is alleged to have been committed.

It is submitted that four accused are named in the FIR which includes the parents of the petitioner. Petitioner is neither named in the FIR nor has been attributed any role.

It is further submitted that the co-accused Kulwinder Kaur @ Kinder, i.e. the mother of the petitioner, has since been granted the concession of anticipatory bail by this Court.



Notice of motion, returnable for 11.09.2023.

In the meantime, without commenting upon the merits of the case, the petitioner is directed to join investigation and cooperate with the investigating agency. In the event of his arrest, the petitioner be admitted to interim bail on his furnishing surety and bail bonds to the satisfaction of the investigating/arresting officer. He shall abide by the conditions specified in Section 438(2) Cr.P.C.

Status report be filed on or before the next date.”

2. At the time of passing the hereinabove extracted order, the Coordinate Bench of this Court had mainly considered the issue of juvenility of the petitioner and accordingly, extended the interim relief.

3. Now, what has surfaced from the arguments advanced by the learned counsels appearing before this Court is that, in fact, the petitioner had, through his counsel, filed an application before the Juvenile Justice Board for declaring him a juvenile, however, owing to his non appearance before the Board concerned for personal examination, the said application was dismissed vide order dated 18.05.2023.

4. What further emerges from the record, is that, prior to registration of the present FIR, the petitioner was already involved in a case registered under the N.D.P.S. Act, wherein, he was awarded a punishment to do community service.

5. In the instant case, there is specific allegation against the petitioner that, he along with his mother did *reki*, thereby enabling his father and other co-accused to dispose off the dead body of the deceased. Therefore, in these circumstances, this Court does not deem it fit and appropriate to extend the extraordinary relief of anticipatory bail to the petitioner.

6. However, the petitioner is directed to, within a week from to-day, cause personal appearance before the Juvenile Justice Bard concerned,



thereby enabling the latter to make a decision regarding his juvenility. 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), if the Board arrives at a conclusion that the petitioner is a juvenile, then his regular bail application, if any become filed before it, shall be decided on merits.

7. Disposed of accordingly.

May 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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