



CRM-M-43467-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-43467-2024
Date of Decision : 23.09.2024

Gurmeet Singh @ Gumi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Balraj Singh Sidhu, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. The petitioner, a child in conflict with law, having apprehension to be arrested in case FIR No.42 dated 05.04.2024, under Sections 308, 323, 325, 506, 34 of the IPC, registered at P.S. Civil Lines Bathinda, District Bathinda, filed the instant petition, seeking pre arrest bail.

2. This Court, vide order dated 04.09.2024, 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 17 years of age, has filed the instant petition under Section 438 of the Cr.P.C., through his father, thereby seeking grant of anticipatory bail, in case FIR No.42 dated 05.04.2024, under Sections 308, 323, 325, 506, 34 of the IPC, registered at P.S. Civil Lines Bathinda, District Bathinda.

2. By placing reliance upon Annexure P-2, wherein becomes enclosed the order of this Court, drawn on 25.07.2024, upon CRM-M33278-2024, the learned counsel for the petitioner submits that, since thereby the



petitioner's father, to whom became attributed the injury inviting the provisions of Section 308 of the IPC, has already been granted regular bail, therefore, the petitioner deserves the relief of anticipatory bail.

3. The final and most important plea, as raised through the instant petition, is that, the petitioner is a juvenile having age of 17 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, Bathinda, for the relief of anticipatory bail, however, the same was declined to him vide order dated 09.07.2024 (Annexure P-3).

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.6 of Annexure P-3. Paragraph No.6 (supra) is reproduced hereinafter:-

“6) The case was registered on the statement of complainant Mangat Singh on the averments that he is employee at Karyana shop in Dana Mandi, Bathinda. Gurmeet Singh @ Gummi son of Kala Singh used to tease him by saying Mota (fat-man). Some days ago, he had gone to Machhi Chowk, Dhobiana to take Burger, where Gurmeet Singh started teasing him. When he tried to stop him, Gurmeet Singh gave slap to him. On 28.11.2023, at about 6.30 p.m., he was going to shop. Gurmeet Singh @ Gummi called him. When he went near him, he gave a iron rod blow on his head. Then Kala Singh father of Gurmeet Singh armed with iron rod came there. Kala Singh gave iron rod blow upon his head. The accused gave beatings to



him and caused injuries on his face and neck. He raised alarm and the accused fled away from the spot alongwith their respective weapons by giving threats.”

7. 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 father, is directed to cause appearance before the Juvenile Justice Board concerned, on 09.09.2024, 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.

8. 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.

9. Adjourned to 23.09.2024, for awaiting report.”

3. Learned counsel for the petitioner submits that in reference to the directions issued by this Court, the petitioner has caused appearance before the learned Principal Magistrate, Juvenile Justice Board, Bathinda, and he has been released on interim bail, on his furnishing bail/surety bonds.



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4. Report dated 21.09.2024, has also been received from the Principal Magistrate, Juvenile Justice Board, Bathinda. The relevant extract of the report reads as under :-

“It is respectfully submitted that in pursuance to order dated 04.09.2024 passed by the Hon'ble High Court in CRM-M. No. 43467 of 2024 titled as "Gurmeet Singh @ Gumi Vs. State of Punjab and others", petitioner/child in conflict with law appeared before the Juvenile Justice Board, Bathinda on 09.09.2024 and in compliance of aforesaid order passed by the Hon'ble High Court, he has been released on interim bail on his furnishing requisite surety bonds.

It is further respectfully submitted that in compliance of aforesaid order passed by the Hon'ble High Court, inquiry has also been conducted to ascertain the age of petitioner/child in conflict with law and in the said inquiry it has been found that date of birth of petitioner/child in conflict with law is 08.10.2006 and as such, his age was about 17 years, 1 month and 20 days approximately at the time of alleged occurrence which had happened on 28.11.2023, so he has been declared as juvenile in this case.

It is further respectfully submitted that in compliance of aforesaid order passed by the Hon'ble High Court, preliminary assessment of petitioner/child in conflict with law has also been conducted and in the preliminary assessment, it is found that at the time of alleged occurrence, petitioner/child in conflict with law was having enough mental and physical capacity to commit the alleged offences and he was also having ability to understand the consequences of said offences and he has committed the alleged offences due to his previous quarrel with injured.

It is further humbly submitted that petitioner/child in conflict with law is booked in this case for the commission



of offences under sections 308, 323, 325, 506/34 IPC and said offences fall in the category of "Serious offences" as per section 2 (54) of The Juvenile Justice (Care and Protection of Children) Act, 2015 and Final Inquiry report has not been presented by police in this case so far."

5. In view of the report (supra), the petitioner has caused appearance and a specific compliance has been made by the Juvenile Justice Board, by conducting the enquiry regarding the age of the present petitioner, whereupon, the petitioner was found minor, i.e. about 17 years, 01 month and 20 days, on the date of the occurrence. Further, at the time of alleged occurrence, the petitioner was also found to be having enough mental and physical capacity to commit the alleged offence and he was also having the ability to understand the consequences of said offence.

6. In view of the above, since the petitioner has caused appearance before the learned Principal Magistrate, Juvenile Justice Board, Bathinda and has been granted the relief of interim bail, the hereinabove extracted interim order dated 04.09.2024, is hereby made absolute, subject to the hereinafter extracted conditions:-

"(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required."

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

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that involves commission of an offence.

8. Further direction is passed on the petitioner that he shall continuously cause appearance before the Juvenile Justice Board/Children Court, on each and every date fixed.
9. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

September 23, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No