

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

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**CRR-2238-2023**

**Decided on 17.05.2024**

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Sandeep Singh @ Sunny

... Petitioner

VS.

State of Punjab

... Respondent

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**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**

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Present: Mr. VK Kaushal, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

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**Sandeep Moudgil, J.**

(1). This petition under Section 401 CrPC has been filed by the petitioner seeking to quash the judgments dated 18.09.2023 and 08.03.2022 passed by the Principal Magistrate, Juvenile Justice Board (in short, the PMJJB) and Additional Sessions Judge, Amritsar, respectively vide which the petitioner has been denied regular bail under Section 437 CrPC in case FIR No.211 dated 12.06.2021 under Sections 307/323/34 IPC (Section 307/34 IPC deleted on and Section 302 IPC added, later on) registered at Police Station Ajnala, Amritsar Rural, Amritsar.

(2). Learned Counsel for the petitioner contends that the judgments passed by both the courts below denying bail to the petitioner-juvenile is against the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. It is submitted that the petitioner is a minor and is victim himself and the name of the petitioner does not figure in the FIR nor has been attributed any specific role.

(3). It is further argued that the prosecution did not conduct any identification parade test so as to identify the petitioner and his name has only

cropped up in the disclosure statement of the witness which is not an admissible piece of evidence in the eyes of law and therefore, the presence of the petitioner could not be substantiated by the complainant by leading any cogent evidence except that only police officials or interested witnesses were joined in the investigation and no independent witness was there to substantiate their assertion or to identify the petitioner as to his involvement in the commission of the said crime.

(4). Status report dated 28.11.2023 has been filed by Dr.Riputapan Singh, DSP, SD Ajnala, Amritsar Rural wherein it has been averred that during investigation, Sumanpreete Kaur got recorded her supplementary statement dated 14.06.2021 wherein she stated that the petitioner himself had taken her husband at the canal and inflicted as many as 16 injuries. In fact, on 10.06.2021, Sunny Singh s/o Ajit Singh in his statement also stated that the petitioner told him that he would murder Gursajjan Singh due to his illicit relations with his sister-in-law Navnoor Kaur.

(5). Learned State counsel further averred the petitioner suffered a disclosure statement dated 15.06.2021 wherein he disclosed that he had attacked upon Gursajjan Singh with his baseball bat and caused injuries on his head and other part of the body and subsequently also got recovered the broken baseball bat from the bushes near the canal where Gursajjan Singh was found lying and thereafter on 23.06.2021, he succumbed to his injuries at Guru Ram Dass Hospital Vallah, Amritsar.

(6). It is then submitted that the challan under Section 173 CrPC was submitted on 07.05.2021 before the PMJJB, Amritsar and till now, a total of 21 prosecution witnesses have been cited and the case has been committed to the

Court of Sessions Judge, vide order dated 11.04.2022 for his trial as an adult under Section 18(3) after making preliminary assessment under Section 15 of the 2015 Act.

(7). Heard learned counsel for the parties and gone through the paper-book.

(8). The Board vide its judgment dated 08.03.2022 placed reliance on the Social Investigation report and Social Background report wherein it has been mentioned that the juvenile was under the influence of his Peer Group and the petitioner killed Gursajjan Singh by inflicting injuries upon him with baseball with the help of his friends and that the petitioner-jvenile belonged to labourer class and had left school in 8<sup>th</sup> class and stated to be 17 years and 02 months on the date of the alleged occurrence i.e. 10.06.2021.

(9). This Court is in acquiescence with the observations made by both the courts below that a person of the age of the petitioner undoubtedly would have acquired sufficient maturity of mind to differentiate between good and bad, social and unsocial activities and what is right and wrong but at the same time, as mentioned in the Social Investigation report, petitioner who is just entering into his adulthood does acquire reasonable prudence to understand the consequences of an act of murder particularly in this era of technological advancement both, of the gadgets and the mind of the child at a very tender age.

(10). Once a person is held to be a juvenile in conflict with law, then Section 12 of the Act would govern the question of grant of bail and the custody of juvenile and it will not be governed by the provisions of the code of the criminal procedure or BNSS. It is important to note that gravity or

seriousness of the offence, should not be taken as an obstacle or hindrance by the Legislature to refuse bail to a delinquent juvenile. No straight jacket formula of inflexible nature can be laid down as it would depend on facts and circumstances of each case. Words 'ends of justice' is confined to those facts which show that the grant of bail itself is likely to result in injustice.

(11). It is to be seen whether the opinion of the learned appellate Court as well as Juvenile Justice Board recorded in the impugned judgments and orders are in consonance with the provision of Section 12 of the Act which lays down three contingencies in which bail may be refused to a juvenile offender, namely,-

- (i) if the release is likely to bring him into association with any known criminal, or
- (ii) expose him to moral, physical or psychological danger, or
- (iii) whether his release would defeat the ends of justice?

(12). The Social Investigation Report clearly mentioned that the petitioner along with another guy, under peer pressure, with proper planning conspired to take Gursajjan Singh to a secluded place where the baseball bat was already kept behind the bushes and then everything went as per planning, the petitioner along with another person inflicted as many as 16 injuries on the person of Gursajjan Singh who ultimately succumbed to death. The possibility of bringing the petitioner into association with criminals or anti-social elements cannot be ruled out if the petitioner is released on bail which may expose him to moral, physical and psychological danger to him as well as to the society at large. At this stage, it is very much imperative for the petitioner to be kept under reformatory home for his rehabilitation and reformation as well as

societal reintegration which will encourage personal growth and development of societal values and attitudes that are conducive to positive behavior and to bring him to the mainstream.

(13). Accordingly, there is no illegality or infirmity in the judgments passed by both the courts below.

(14). Dismissed.

17.05.2024  
V.Vishal

(Sandeep Moudgil)  
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No  
Yes/No