

**CRR-323-2025****-1-**

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

CRR-323-2025**Reserved on: 7th May, 2025****Pronounced on: 19th May, 2025**

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Anand, Advocate for the petitioner.

Mr. Vivek Sharma, Deputy Advocate General, Punjab.

MANISHA BATRA, J :-

The instant petition has been filed by the petitioner who is a child in conflict with law (for short, 'CCL') challenging the order dated 29.10.2024 passed by learned Principal Magistrate, Juvenile Justice Board (for short, 'JJB'), Kapurthala in case arising out of FIR No. 86 dated 30.06.2024 under Sections 307, 120-B and 34 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Subhanpur, District Kapurthala, whereby an application filed by him for release on bail had been dismissed as well as the order dated 19.12.2024 passed by the Appellate Court in Criminal Appeal No. 187 of 2024, whereby the order passed by the JJB rejecting bail of the petitioner had been upheld.

2. For the sake of continuity and coherence, hereinafter the parties shall be referred to as per their original nomenclature as given before the trial Court.



3. Brief facts relevant for the purpose of disposal of this petition are that on 30.06.2024, the victim Lakhwinder Singh, who was running a commission agent shop, had gone to grain market. At about 8:15 PM, he had closed his shop and had gone towards his village. The complainant Jaspinder Singh, who is son of the victim had left after sometime. On reaching near Dalit Farm house, he found his father to be lying on a road in an injured condition. Blood was oozing out of the injuries sustained by him and on asking, the victim disclosed that 3-4 unknown persons had come while riding on a bike and had fired a shot upon him. The injured was rushed to hospital. The complainant raised suspicion that Hardev Singh @ Bona had a hand in the occurrence. The aforementioned FIR was registered. Investigation proceedings were initiated.

4. During investigation, the petitioner who was detained in another case bearing FIR No. 157 dated 28.07.2024 registered under Sections 109, 307 and 3(5) of BNS read with Section 25 of Arms Act, at police Station Dasua, District Hoshiarpur suffered a disclosure statement to the effect that he had been hired by one Manroop Singh resident of USA to eliminate the victim and by joining the co-accused, he had committed the subject offence and had fired a shot with pistol upon the victim. He also disclosed that he along with the co-accused had received a sum of Rs. 1,50,000/- in lieu of the work done by him. The co-accused Sharandeep was also arrested and suffered a similar statement. The investigation now stands completed. The petitioner had filed an application for grant of bail which was dismissed by the learned Principal Magistrate, JJB, vide order dated 29.10.2024. The relevant part of this order reads as under:-



“As per statement of Investigating Officer, the CCL is already nominated in FIR No. 157 dated 28.07.2024 under Sections 109, 307, 3(5) of BNS, 2023, 25, 27 Arms Act, PS Dasuya, District Hoshiarpur. Present case is the second similar case in which CCL is allegedly involved in cartel indulging in contract killing. CCL needs care and protection and he is required to be kept in safe custody for his betterment. From these facts it is clear that the society in which juvenile is exposed to has been influencing his behaviour. It is not conducive to the well being of juvenile that he will be allowed to join the same society again which has shown dreadful results so far. If the juvenile is released on bail, it will bring him in association with known criminal and expose him to moral, physical and psychological danger. Accordingly, the present bail application is dismissed. File be tagged with the remand papers of this case.”

5. Aggrieved by the above order, the petitioner preferred an appeal before the learned Appellate Court, which has been dismissed vide order dated 19.12.2024. The operative part of this order reads as under:-

“After considering the rival contentions put forth by both the counsel for the parties, and perusal of file shows that the appellant/juvenile was in custody in some other case bearing FIR No. 157 dated 28.07.2024, under Section 109, 307, 3(5), BNS and Section 25, 27 Arms Act, PS Dasuya, District Hoshiarpur regarding hatching conspiracy for commission of the occurrence of the present case for ransom. Apparently the applicant has involved in two cases of the similar nature in one year which certainly is adverse circumstance for his better future and upbringing. Thus, it appears that if concession of bail be granted, then it would bring him into association with bad elements or expose him to moral, physical or psychological danger, and his release will amount to defeat the ends of



justice. Thus, there is no ambiguity in the order under appeal, passed by learned Principal Magistrate, Juvenile Justice Board, Kapurthala, and needs no interference. With these observations, undersigned finds appeal filed on behalf of appellant/juvenile, being devoid of any merit and the same is hereby dismissed. Record of learned Trial Court be sent back alongwith copy of this Order. Appeal file be consigned to the Record Room, Kapurthala.”

6. Feeling dissatisfied, the present petition has been filed under Section 102 of the JJ Act. It is argued by learned counsel for the petitioner that the impugned orders as passed by the learned Magistrate, JJB and the Appellate Court are not sustainable in the eyes of law as while passing the same, the learned Principal Magistrate and Appellate Court ignored the fact that he was not named in the FIR and had been nominated as an accused on the basis of a disclosure statement allegedly suffered in some other case, which could not be considered to be admissible in evidence. He is in custody since long. He was juvenile at the time of alleged incident. He was entitled to be extended benefit of bail as a matter of right. Keeping in view the provisions of Section 12 of the Act, 2015, the gravity of the allegations could not be considered to be a ground for denying his release on bail. The Social Investigation Report had not been properly taken into consideration. The learned Appellate Court did not appreciate the fact that there was no tangible material to show that there was any reasonable ground for believing that the release of the petitioner was likely to bring him into association with any known criminal, or exposed him to any moral, physical or psychological danger or that his release would defeat the ends of justice. It is, therefore, argued that the impugned orders are liable to be set aside.



7. Written response/reply has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious and specific allegations against the petitioner. He committed an act of gruesome nature. The CCTV footage of the camera installed in the vicinity clearly showed the cruelty meted upon the victim. The victim was clearly visible in the said footage. The weapon of offence has been recovered at his instance. His release would certainly bring him into association with known criminals and would defeat the ends of justice. The findings as given by the JJB and Appellate Court are well reasoned and no ground had been made out to interfere with the same. With these broad submissions, it is argued that the revision petition merits dismissal.

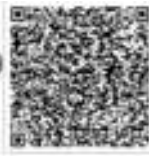
8. This Court has considered the rival submissions.

9. The case as set up against the petitioner is that by hatching a conspiracy with the co-accused and on behest of accused Manroop Singh, the petitioner fired a shot with a firearm upon the victim Lakhwinder Singh, who had sustained firearm injury on right lumbar region, which was dangerous to life. He was not named in the FIR and was nominated subsequently on the basis of disclosure statement allegedly suffered while being detained in some other case. The final report has been presented against him. The trial would take time conclude as no witness has been examined so far. On a perusal of orders passed by learned Principal Magistrate and the Appellate Court, it is apparent that there is no material available on record to indicate that there is any likelihood of the petitioner coming into association with any known criminal or his being disposed to



physical or psychological danger. The learned Principal Magistrate is simply shown to have observed that the petitioner is exposed to a society which may influence his behaviour and is required to be kept in safe custody for his betterment. Though, it is observed that it is not conducive to the well being of the petitioner to allow him to join the same society again and that his release on bail would bring him in association with known criminals and expose him to moral, physical and psychological danger but there is no material on record to say so. No social investigation report is shown to have been taken into consideration either by the learned Principal Magistrate or by the learned Appellate Court. The findings as given by the learned Principal Magistrate and Appellate Court appear to have been recorded on mere apprehensions without there being any material/basis on record. Only on the basis of nature of the offence allegedly committed by the petitioner, no case calling for rejection of bail so as to preserve the ends of justice is made out. Rather in the considered opinion of this Court, the continued incarceration of the petitioner may effect his moral character and jeopardise his career prospectus. He has a fixed abode and nothing on record to show that he would flee from the trial proceedings. As such, this Court is of the opinion that in the facts and circumstances of the case in hand, the petitioner deserves to be enlarged on bail.

10. As per the discussion made above, the petition is allowed and the impugned orders dated 19.12.2024 and 29.10.2024 are set aside. The petitioner is ordered to be released on bail and he be given in custody of his father/guardian, on his furnishing personal bonds and two sureties bonds of the like amount each to the satisfaction of the JJB/Court concerned with the



undertaking that the father/guardian shall keep the petitioner away from unsocial and criminal elements, will look after his health, keeping in mind his mental and social status. The father/guardian of the petitioner will also give an undertaking that on being released on bail, he shall ensure the presence of the petitioner during trial whenever so required.

11. In case of breach of any of the conditions imposed upon the petitioner or upon showing any other sufficient cause, the State/complainant shall be at liberty to move application for cancellation of bail of the petitioner.

12. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. Office is directed to transmit a certified copy of this order to JJB/Court concerned for information and necessary compliance.

14. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*