



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

CRR-3068-2017 (O&M)

Date of Decision: 07.04.2025

GURPREET SINGH

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohan Singh and Mr. Lakhwinder Singh, Advocates
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been preferred against the order dated 12.07.2017 passed by learned Additional Sessions Judge-I, Fatehabad and further against the order dated 17.05.2017 passed by learned Principal Magistrate, Juvenile Justice Board, Fatehabad, vide which the application for declaring the petitioner as juvenile in conflict with law has been dismissed.
2. Learned counsel for the petitioner *inter alia* contends that he is mainly aggrieved by the observations made by learned Additional Sessions Judge in order dated 12.07.2017, as well as by the impugned order passed by learned Juvenile Justice Board on 17.05.2017 by making observation on the basis of Social Investigation Report submitted by Probation Officer. Learned counsel for the petitioner refers to the Social Investigation Report (Annexure P-2) and submits that Probation Officer has nowhere mentioned that the petitioner is having bad company or lack of habitation. Both the Courts below have referred to Social Investigation Report (Annexure P-2) and submits that the Probation Officer has no where mentioned that petitioner is in habit of drinking or he has no moral values. As such, the findings recorded in para No. 3 of the impugned order (Annexure P-3) is incorrect and the opinion has been



formed by learned Board, by misreading the Social Investigation Report submitted by Probation Officer. A grave prejudice has been caused to the petitioner by incorrect reading the said report and also formed the opinion to treat the petitioner as an adult in conflict with law. Similarly, learned trial Court while passing the impugned order has made similar observations with regard to character and habits of the petitioner, which is not based upon the findings recorded by the Probation Officer in the Social Investigation Report.

3. Per contra, learned State counsel submits that learned Juvenile Justice Board and learned trial Court have taken into consideration the mental state of the petitioner and he further submits that petitioner is declared as normal and his mental capacity is stated to be such that he understands the repercussions of his actions, as per the report of Probation Officer. Therefore, both the Courts below have rightly taken him as an adult. However, learned State counsel could not controvert the fact that both the Courts below have misread the Social Investigation Report of Probation Officer (Annexure P-2).

4. Having heard learned counsel for both the parties and after perusing the record with their able assistance, it transpires that Probation Officer in his report Annexure P-2 has nowhere mentioned that petitioner is in the habit of drinking Alcohol and he lacks parental control or he is in bad company. It appears that both the Courts below have misread the report (Annexure P-2) and passed the impugned orders. Thus, this Court finds force in the arguments advanced by learned counsel for the petitioner that the impugned orders have caused prejudice to the petitioner by forming an opinion on the basis of misreading of the Social Investigation Report.

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5. In view of the above the impugned orders dated 17.05.2017 passed by learned PMJJB, Fatehabad and 12.07.2017 passed by learned Additional Sessions Judge, Fatehabad are hereby set aside and the matter is remanded back to the learned Principal Magistrate, Juvenile Justice Board, Fatehabad to pass a fresh order by strictly appreciating the Social Investigation Report (Annexure P-2) within a period of 04 weeks from the date of receipt of this order.

6. Present petition is disposed of in aforesaid terms.

(HARPREET SINGH BRAR)
JUDGE

07.04.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No