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

CRR-2526-2019**Date of Reserve:18.03.2026****Date of Decision:08.06.2026**

Gagandeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Bikram Singh Jatana, Advocate
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned order dated 16.07.2019, passed by the Judge, Children's Court (Sessions Judge) Mansa, whereby, the appeal filed by the petitioner was ordered to be dismissed and order dated 23.04.2019, passed by the Court of Judicial Magistrate Ist Class, Mansa/Principal Magistrate, Juvenile Justice Board, Mansa, whereby, the Juvenile Justice Board and the Appellate Court held that the child in conflict with law was to be tried as an adult and transferred the case to the Children's Court.

2. The F.I.R in the present case was registered against the unknown persons on the basis of the statement made by Jasvir Kaur wife of Harbans Singh, R/o Hodla Kalan aged about 45 years, Mobile No.70785-76167 and the same has been reproduced below:-

*“Stated that I am resident of above said address,
doing labour work. I have three children, one son and two daughters. My*



husband is doing the work of labour. Since about 3/4 days ago, he used to go for the work in the village. He used to go in the morning and returned back at about 6/7 o'clock in the evening. Yesterday, on 01.10.2018 at about 8 O'clock in the morning, he usually went to work in the Narega, but not returned back in the evening. We searched for him. I alongwith my son went to the house of Raj Kaur of our village who was working with my husband in Narega and inquired from her, then she told that today he didn't come to work at Narega. Then I alongwith my son reached at drain bridge near petrol pump while searching my husband then we found one dead body in the drain water then we alongwith my brother-in-law Darshan Singh and other respectable person of the village came there and overturned the dead body from the drain water and saw that the water level was low in the drain and found that it was the dead body of my husband Harbans Singh. I have doubt that some unknown persons killed my husband Harbans Singh and after killing him thrown his dead body in the drain. Action be taken against these unknown persons. Statement recorded, heard, which is correct. RTI Jasvir Kaur abovesaid”.

3. During the course of investigation, Jarnail Singh Ex.Sarpanch of the Village Hodla Kalan appeared before the I.O and made a statement that Jasvir Kaur, complainant, her two daughters Amanjot Kaur and Harpreet Kaur and her son Lakhwinder Singh along with his friends Jagsir Singh, “X”-child in conflict with law i.e. the petitioner and Gopal Singh had come to him in the evening on 30.09.2018 and suffered an extra judicial confession before him that they had killed Harbans Singh at about 09:00/10:00 P.M and his dead body was taken on a motorcycle and thrown in the drain. Jarnail Singh Ex. Sarpanch told them that they should come in the morning and he will produce them before the police. However, they chose not to approach him thereafter.

4. On the same day, Darshan Singh, brother of the deceased also



appeared before the I.O and stated that Jasvir Kaur, her daughters and her son were of bad character and this was not accepted by Harbans Singh, deceased. He had firm belief that the abovesaid four family members of deceased along with their friends had administered intoxicant tablets to Harbans Singh and after strangulating him with Dupatta, they took the dead body on motorcycle and threw the same in a drain. On 04.10.2018, the aforesaid persons were arrested and Jasvir Kaur suffered her disclosure statement that on 30.09.2018, she along with her children, friends of her son and “X”-child in conflict with law i.e the petitioner and Gopal Singh strangulated her husband with Dupatta and after killing, his dead body was thrown in a drain. They had taken the dead body near drain, where, Lakhwinder Singh, Jasvir Kaur and Gopal Singh had also reached. “X”-child in conflict with law gave brick blows on the head of Harbans Singh and threw the dead body in the drain. During investigation, Aadhar Card of the petitioner was found and his date of birth was mentioned as 07.01.2002 and he was found to be juvenile. Even after his arrest, petitioner suffered a disclosure statement and admitted his involvement in the crime as indicated above. After completion of necessary investigation, the report under Section 173 Cr.P.C was prepared and was presented before the Principal Magistrate, Juvenile Justice Board on 26.12.2018.

5. The Principal Magistrate, Juvenile Justice Board conducted the preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 {hereinafter referred to as the “Act”} and observed that there was a need to try the petitioner as an adult as mandated by Sections 15 and 18 of the “Act” and the matter was transferred to the Children’s Court, Mansa for further proceedings. Even, the appeal filed by him before the



Appellate Court was ordered to be dismissed. Challenging both the orders, the petitioner has approached this Court by way of the instant revision petition.

6. Learned counsel for the petitioner has vehemently argued that Juvenile Justice Board as well as the Appellate Court had completely brushed aside the mandatory provisions of Sections 14 and 15 of the “Act”. As per the mandate of Section 14 of the “Act”, the Juvenile Justice Board was bound to conduct the preliminary assessment within a period of three months from the date of first production of the juvenile before the Board, however, the Board had taken the time of more than six months in conducting the preliminary assessment and the impugned orders are unsustainable. Apart from that, as per the provisions of Section 15 of the “Act”, a Social Investigation Report to conduct the preliminary assessment was prepared and in the report, nothing adverse has been mentioned against the petitioner, which would indicate that the mental level of the petitioner was developed to such an extent that he had the ability to understand the consequences of the offence and the circumstances, in which he allegedly committed the offence. Even, both the Courts had not taken into consideration the three parameters, while conducting the preliminary assessment and passed the impugned orders in routine. There was no averment in the order passed by the Juvenile Justice Board that the Board had interacted with the petitioner and it was wrongly held that the petitioner had committed the offence with full maturity. Thus, the impugned orders are liable to be set aside by this Court.

7. On the other hand, learned State counsel has referred to the detailed findings recorded by the Appellate Court and submitted that while passing the impugned order, both the Courts had conducted preliminary



assessment by taking into consideration all the relevant parameters and the impugned orders are liable to be upheld by this Court.

8. I have heard learned counsel for the parties and perused the record carefully.

9. The main argument raised by learned counsel for the petitioner is that as per the provisions of the Section 14 of the “Act”, the preliminary assessment was required to be conducted within a period of three months from the date of first production of the juvenile before the Board. As per record, the petitioner was arrested on 05.10.2018 and was produced before the Board on the same day. However, the preliminary assessment was completed by 23.04.2019 i.e. almost in six months. However, this Court cannot overlook the fact that in the present case, the Board was to consider the fact finding report under Section 173 Cr.P.C as well as Social Investigation Report. The fact finding report under Section 173 Cr.P.C was submitted on 26.12.2018, whereas, the Social Investigation Report was prepared on 14.03.2019. Thereafter, the preliminary assessment was disposed off by the Board vide the order dated 23.04.2019 and there was no unreasonable delay on the part of the Board. Even otherwise, the provisions of Section 14 of the “Act” are directory in nature and not mandatory. Apart from that, the petitioner has not been able to show any prejudice caused to him, due to the minimal delay in disposing off the preliminary assessment.

10. Apart from that, it has been submitted by learned counsel for the petitioner that a preliminary assessment was not conducted by taking into consideration the three parameters, as laid down by Section 15 of the “Act”. However, I do not agree with the contentions raised by learned counsel for the



petitioner in this regard and find the same to be meritless, in view of the following discussion.

11. In the present case, a detailed Social Investigation Report was prepared by a social worker, as per the requirement of the “Act”. It has been argued by the petitioner that the Board had not taken the assistance of experienced physiologists or physico social workers or other experts, while preparing the Social Investigation Report. However, again the said argument is without any basis and is liable to be rejected by this Court. A detailed report was prepared by a social worker with vast experience and it was not mandatory to take the assistance of a psychologist. Apart from that, such assistance was required to be taken only when sufficient material had not come on record or the Board was not able to make any such assessment on the strength of the record produced before it. In the present case, the petitioner had completed his studies and was pursuing the saloon course at Chandigarh and was maintaining a separate residence from his parents. Apart from that, there was nothing in the report, which indicated that he was not in a capacity to commit the alleged offence. Apart from that, it is also apparent from the record that he had the ability to understand the consequences of his “Act”. He not only joined hands with the other accused in administering the intoxicant tablets to Harbans Singh, deceased, but also helped his co-accused in strangulating him with Dupatta. Thereafter, he with the help of his accomplices loaded the dead body on motorcycle and went to a drain to throw the same. Apart from that, the petitioner suspected that the deceased could still be alive, he gave brick blows on the head of Harbans Singh, deceased and thereafter, threw the dead body in the drain and concealed the brick. He also got the brick used in the crime,



recovered on the basis of his disclosure statement. This clearly establishes that he was full aware of the consequences of the act committed by him and he even tried to conceal the bricks, so that the crime may not be detected. Apart from that, it had also come in the Social Investigation Report that he was in conspiracy with other co-accused and was aware of the circumstances, in which he had committed the act. Apart from that, there was sufficient evidence to show that the child in conflict with law i.e the petitioner was mentally and physically fit at the time of commission of crime and both the Courts had taken into consideration the three parameters, while conducting the preliminary assessment. Even otherwise, learned counsel for the petitioner could not point any illegality, infirmity or perversity in the impugned orders and this Court finds no grounds to set aside the same.

12. In view of above discussion, the present revision petition is ordered to be dismissed.

13. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

08.06.2026

hitesh

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