



CRR-2910-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CASE NO.: CRR-2910-2025
DATE OF DECISION: January 12, 2026

Harmit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

SANJAY VASHISTH, J.

1. Aggrieved by the order dated 01.08.2024, passed by learned Principal Magistrate, Juvenile Justice Board, Gurdaspur, as affirmed in appeal by the learned Additional Sessions Judge, Gurdaspur (Appellate Court), vide judgment dated 18.10.2025, petitioner – Harmit Singh, who is son of complainant/victim Narinderjit Kaur (since deceased), has preferred the instant criminal revision petition under Section 401 Cr.P.C.
2. Facts of the present case are that on the statement of Narinderjit Kaur, FIR No. 85, dated 25.06.2020, under Section 307 IPC (Section 302 IPC was added lateron), was registered at Police Station Tibber, District Gurdaspur, against her daughter-in-law, namely, Komalpreet Kaur (respondent No. 2 herein) with the allegations that Komalpreet Kaur used to quarrel with the complainant over petty domestic/household works. Once such quarrel had taken place on 23.06.2020, when Harmit Singh (son of the complainant) was not present

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in the home. When complainant asked her daughter-in-law as to why she was abusing her, then Komalpreet Kaur replied that she would finish the matter/disputes forever. Thereafter, when the complainant was lying on bed in her room, at about 04.00 p.m., then Komalpreet Kaur poured Kerosene oil and lit the fire, with an intention to kill the complainant. She came out of the room and raised alarm 'Maar-ditta, Maar-Ditta', and tried to save herself by pouring water using the bucket lying near the hand pump. Komalpreet Kaur kept standing there and did not try to save the complainant. All the neighbourers gathered there and meanwhile daughter of complainant, namely, Paramjit Kaur and her husband Dildar Singh also reached on the spot and shifted the complainant to the Civil Hospital, Gurdaspur, for treatment. Later on she was referred for further treatment to Guru Nanak Dev Hospital, Amritsar, on 24.06.2020.

Complainant – Narinderjit Kaur scummed to burn injuries and died on 22.07.2020. After recording of G.D. No. 21, dated 22.07.2020 (Annexure P-2), offence under Section 302 IPC was added in the FIR.

3. It is alleged that police conducted the investigation in a defective and biased manner, and instead of filing report under Section 173 Cr.P.C. against the accused, submitted cancellation report, dated 30.12.2020 (Annexure P-3). Thereupon, petitioner filed an application under Section 156(3) Cr.P.C. (Annexure P-4), for directing the police to conduct free, fair and impartial investigation. Even the cancellation report was rejected by the Court of learned Additional Chief Judicial Magistrate, Gurdaspur, and ordered that the accused Komalpreet Kaur be

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summoned to face trial under Section 302 IPC, vide order dated 08.02.2023 (Annexure P-5).

4. Komalpreet Kaur was granted anticipatory bail by the Court of learned Sessions Judge, Gurdaspur, vide order dated 04.10.2023 (Annexure P-6). Komalpreet Kaur also filed an application (Annexure P-7) in the Court of Sessions Judge, Gurdaspur, for declaring her as minor at the time of alleged occurrence i.e. 23.06.2020, by claiming her date of birth as 04.06.2003, and that she was 17 years and 19 days old on the said date.

The said application was opposed by the State by filing reply (Annexure P-8). It was contended that accused was already major at the time of occurrence as she was married with Harmit Singh on attaining the age of majority, and there was no requirement for determining her age. Her date of birth, as 04.06.2003, was also denied.

The Court of learned Sessions Judge, Gurdaspur, allowed the application, vide order dated 20.02.2024 (Annexure P-9), and directed the accused/respondent No. 2 to appear before the Juvenile Justice Board, Gurdaspur, with direction to the concerned Board to proceed with the trial.

5. Order dated 20.02.2024 (Annexure P-9) was challenged by the petitioner by filing CRR-1022-2024 before this Court (Punjab and Haryana High Court), and the Co-ordinate Bench of this Court modified the same, vide order dated 20.05.2024 (Annexure P-10), and directed that Juvenile Justice Board to make necessary preliminary assessment in accordance with the provisions of Section 15 of the Juvenile Justice



(Care and Protection of Children) Act, 2015 (hereafter to be referred as 'the Act') and then pass appropriate order in accordance with law.

6. In the interregnum, the APP for the State of Punjab had also filed an application dated 04.05.2024 (Annexure P-11), under Section 15 read with Section 18 of the Act, before the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur, for treating the juvenile as adult and the case be committed to the Sessions Court for trial.

After filing reply to the said application by respondent No. 2 and examining Dr. Sanjay Kumar, Clinical Psychologist, IMH, Amritsar as EW-1 on 03.07.2024, learned Principal Magistrate, Juvenile Justice Board, Gurdaspur, dismissed the application, vide impugned order dated 01.08.2024, and declared respondent No. 2 as juvenile, to be tried by the Juvenile Justice Court, Gurdaspur. The observations made in para Nos. 4 to 8 of the impugned order dated 01.08.2024, are reproduced as under:-

"4. I have heard Ld. APP for the State and Ld. Defence Counsel on the application under Section 15 of Juvenile Justice Act.

It is the prosecution version that deceased Narinderjit Kaur has got recorded her statement that her son Harmeet Singh got married to Komalpreet Kaur. From the very inception, Komalpreet Kaur used to pick up quarrel due to household work. On 02.06.2020, her son Harmeet Singh had gone out for some work and she along with her daughter-in-law Komalpreet Kaur were alone at home. Komalpreet Kaur was habitual of picking up quarrels and used to abuse her. On that day, complainant asked her as to why she is abusing her and Komalpreet replied that today she will put an end to the situation. Complainant went to her room, She told all this to her daughter on phone. Her daughter Paramjeet Kaur told that she will soon reach there. At around 4:00 pm, her daughter-in-law poured oil upon her with the intention to kill her and put her on fire. She raised hue and cry. She went near the tap and put the bucket of water upon herself. Neighbors gathered there on hearing her hue and cry. Her daughter Paramjeet Kaur and



son-in-law Dildar Singh reached there and took her to the hospital. Statement of witnesses recorded. After investigation, report was presented against juvenile Komalpreet Kaur under Section 307 IPC and later on, 302 IPC was added.

5. *As per Section (2)(33) of Juvenile Justice Act, "heinous offences includes the offence for which the minimum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment for seven years or more." The minimum punishment for the offence under Section 307 and 302 IPC is not less than 7 years.*

6. *As per Section 15 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (hereinafter referred as Act), in case of heinous offence. alleged to have been committed by child who has completed or its above age of 16 years, preliminary assessment is to be conducted with regard to mental and physical capacity of juvenile to commit such offence and ability to understand the consequences of offence and circumstances in which he allegedly committed the offence.*

7. *From the Order dated 20.02.2004 of the Court of Sh. Rajinder Aggarwal, Ld. Sessions Judge, Gurdaspur, and copy of Matriculation Examination Certificate cum detailed Marks Sheet, it is clear that Komalpreet Kaur was juvenile i.e. less than 18 years of age on the date of alleged occurrence i.e. 23.06.2020 as her date of birth is 04.06.2003. Hence, also, it clearly indicates that Komlapreet Kaur was married when she was below the age of 18 years. The minimum age prescribed for marriage as per law is 18 years. The purpose of setting the particular age for a female for getting married is that till that age, it is not expected that she is having the level of understanding as required for running the matrimonial relations and obligations. It is the version of the complainant herself that Komalpreet used to pick up quarrel due to household work. As such, it is clear that Komalpreet was made to do household chores during her stay in her matrimonial home. Also, from the statement of complainant herself, that Komalpreet Kaur has said that she will put an end to the situation on that day only, clearly implies that Kemalpreet Kaur was also upset with the matter as going on between her and her in-laws (mother-in-law). She was made to do all the matrimonial obligations towards the matrimonial house and her in-laws despite the fact that she was still under the age of 18 years. Hence, it is obvious that a girl having a tender age below the age of 18 years might not have been*



able to discharge her matrimonial obligations put upon her in such an early age. Hence, the circumstances in which she was surviving was not very conducive towards her. She cannot be expected to have a very rational thinking, in such circumstances.

8. *One of the ground to be considered while deciding the application under Section 15 of JJ Act, that the circumstances in which the offence is alleged to have committed is also to be considered. Hence, in the present case, the circumstances in which juvenile is stated to have committed the alleged act is very important as the girl below the age of 18 years cannot be expected to keep a balance and rationale thinking under the pressure of household work. Although, the report of Psychologist reflects that she was having IQ of 95 i.e. Average Intelligence and she is able to understand the consequences of the offence. But, as discussed above, the circumstances in which the alleged offence has been committed putforth another side of assessment of considering the circumstances in which the alleged offence has been committed. A person of a good IQ level can also lose a rationale thinking if put to face certain circumstances beyond his capacity to be handled. Hence, it cannot be concluded at this stage, that she could be tried as an adult as she cannot be expected to have a rationale thinking at the time of alleged offence. Section 15 of Juvenile Justice Act deals with only heinous offence, but in the present case, although the age of the Komalpreet Kaur at the time of alleged occurrence is reflected to be between 16 and 18 years, but it does not comply with other requirements of Section 15 of Juvenile Justice Act. Hence, the application under Section 15 r.w. Section 18 of Juvenile Justice Act 2015 is hereby dismissed.”*

7. Challenging the impugned order dated 01.08.2024, petitioner earlier approached this Court by filing CRR-2243-2024, which was disposed of by this Court vide order dated 10.09.2025 (Annexure P-15), relegating the petitioner to file statutory appeal, under Section 101 of the Act, within 02 weeks before the Court of Sessions. It was also directed that such appeal would be decided within 04 weeks thereafter on merits, in accordance with law, without adhering to the limitation part.



8. Petitioner then filed an appeal, dated 20.09.2025 (Annexure P-16), before the Court of Sessions, impugning the order dated 01.08.2024, passed by the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur, which has been dismissed by the learned Additional Sessions Judge, Gurdaspur, vide impugned judgment dated 18.10.2025, by observing as under:-

“7. xxx xxx xxx xxx
xxx xxx xxx xxx

The assessment as per Section 15 of Juvenile Justice Act is not a mechanical exercise but a crucial determination of all the aspects including psychological, social and emotional, while assessing child’s culpability potential. It requires a holistic appraisal of entire material placed before the board and circumstances in which offence alleged has been committed. The child with average or high IQ may lack emotion regulation under the stressful environment more particularly when child is exposed to socio-familial pressure, then it can temporarily impair his or her rational Judgment. Further as per mandate of Section 15 of the JJ Act, it is four-fold test which is to be applied while making assessment which includes (i) mental capacity (ii) physical capacity (iii) understanding of the consequences and (iv) circumstances of the alleged offence. This principle is reiterated in “B.C.Thakur Vs. Master Bholu & Anr” [2022 (7) SCC, 1 : Law Finder Doc Id # 2012149] in which Hon’ble Supreme Court explained that at the time of preliminary assessment, social and emotional environment must be considered and not just psychological score.

8. *After considering the governing legal framework, now to turn to the specific facts of the case in hand. The age of the respondent No.2 at the time of alleged commission of offence is not disputed and she was 17 years 19 days. It also emerges out from the record that respondent No. 2 was married while she was below the legal age and made exposure to house hold pressure. The Juvenile Justice Board committed no illegality in concluding that respondent No. 2 was lacking mature judgment at the time of alleged offence as the mental psychology of child when put to matrimonial responsibility at such a tender age can be well perceivable. When child under 18 years of age, such as the respondent No. 2 when put to house hold pressures, it*



certainly impaired rational judgment, as the child at such a tender age cannot possess emotional or psychological maturity of an adult. When at this age, child is subjected to matrimonial responsibilities, it is understandable that the child to undergo significant emotional distress and household pressures. At this tender age, the child's personality and emotions are still developing making her more vulnerable and forced her to anxiety, fear, confusion and sense of helplessness and all these adversely affect the child's ability to think clearly and the alleged offence was allegedly committed in these circumstances.

9. *Regarding the contention of learned counsel for the appellant that learned Principal Magistrate, Juvenile Justice Board erred in rejecting the mental health report. Section 15 of JJAct enshrines a crucial fourfold test. It goes beyond mechanical IQ score and situational factors surrounding the child and the offence, are also crucial and need to be considered. After going through the Section 15 of the Act, it emerges out that the expert report is only one of the several inputs and are not binding on the Board. The function of the Board under Section 15 of the Juvenile Justice Act is Judicial and not clinical. The board is required to consider all aspects including psychological, social and emotional, while assessing child's culpability potential. Learned Principal Magistrate, Juvenile Justice, Board has given preference to socio emotional circumstances over raw IQ findings which was well within the jurisdiction of Learned Principal Magistrate, Juvenile Justice Board as per the mandate of Section 15 of the Juvenile Justice Act. It is also noteworthy, psychological assessment by board has been made in the present case nearly four years after the incident. Child's cognitive state at the time of offence (23.06.2020) not pointed out. Mental health report dated 03.06.2024 does not indicate that any scientific correlation or retrospective evaluation was employed to assess respondent No.2's mental and cognitive state as on 23.06.2020.*

10. *In the present case, it is not disputed that respondent No.2 was married when she was less than 18 years of age and further, she was 17 years 19 days old at the time of incident. At this formative age, the cognitive and emotional faculties of a child are still developing when the brain and emotions are still growing. It is hard for such a tender years of child to think clearly and make good decision, especially, when girl child gets married too early as, she faces many problems like stress, pressure from family and new responsibilities that are usually meant for adults. All these things make it difficult for respondent No.2 like*



child to understand the consequences of her actions. Thus the observations/findings returned by learned JJ Board in the impugned order in that regard does not suffer from any illegality or perversity, thus calls for no interference in the instant appeal.

11. In view of the discussion made herein above, this Court finds no illegality or perversity in the impugned order dated 01.08.2024 passed by learned Principal Magistrate Juvenile Justice, Board dismissing the application under Section 15 read with Section 18 of the Juvenile Justice Act. The impugned order is reasoned and legally sustainable. Accordingly, instant is hereby dismissed.”

9. Mr. Inderjit Sharma, learned counsel for the petitioner argued that learned Courts below have erred while passing the impugned order/judgment and have not taken into account the fact that respondent No. 2 has committed a heinous crime. She has been ordered to be tried as a juvenile on the ground that she was made to do all the matrimonial obligations while she was under the age of 18 years. On the contrary, at the time of occurrence, i.e. 23.06.2020, the age of respondent No. 2/accused was 17 years and 19 days, and she committed the offence with an intention to kill her mother-in-law. In these days, a person of such age group cannot be said to be unaware of the consequences of such heinous crime, punishable under Section 302 IPC.

Learned counsel for the petitioner further argues that as per report dated 03.06.2024 (Annexure P-13), which was submitted by the Director, Institute of Mental Health, Government Mental Hospital, Amritsar, it is established that in the present case the juvenile has the ability to understand the consequences of the alleged offence, and she had mental and physical capacity to commit such crime. This material piece of evidence has been overlooked firstly by learned Principal



Magistrate, Juvenile Justice Board, Gurdaspur, and then by the learned lower Appellate Court. Thus, prays for setting aside of the impugned order dated 01.08.2024, as well as the impugned judgment dated 18.10.2025, passed by learned Courts below.

10. I have heard learned counsel for the petitioner and also minutely gone through the material available on record.

11. As per version of the FIR, the marriage of the petitioner – Harmit Singh and juvenile/accused Komalpreet Kaur (respondent No. 2) was solemnized about two and half years ago from the date of occurrence i.e. 23.06.2020, i.e. somewhere in the mid of 2017. It is also an admitted fact that the age of juvenile/accused at the time of occurrence was 17 years and 19 days. Meaning thereby, at the time of her marriage she was even less than 15 years of age. It is beyond shadow of doubt, because, at such a tender age, the cognitive and emotional faculties of a child are still at developing stage and no child of such age would be in a position to take proper and correct/appropriate decisions, independently.

It has also come on record that preliminary assessment in the present case has been delayed by nearly 04 years after the occurrence and by that time the juvenile/accused had attained the age of majority. Thus, her current mental capacity could not reflect the state of mind at the time of occurrence of alleged offence.

Furthermore, it has been rightly observed by the learned Appellate Court that assessment under Section 15 of the Act is not merely a mechanical exercise but a crucial determination of all the aspects viz.



Psychological, social and emotional, while assessing child’s culpability potential.

When the narrative of factual matrix of the present case are considered in totality, this Court finds no illegality or perversity in the impugned order dated 01.08.2024, passed by learned Principal Magistrate, Juvenile Justice Board, Gurdaspur, as affirmed in appeal also by the learned Additional Sessions Judge, Gurdaspur, by passing a detailed and well reasoned judgment dated 18.10.2025. Thus, no interference by this Court in exercise of revisional jurisdiction is warranted.

12. As a sequel of the above discussion, while upholding the impugned order dated 01.08.2024, and the impugned judgment dated 18.10.2025, the present criminal revision petition is **dismissed**, being devoid of any merit.

(SANJAY VASHISTH)
JUDGE

January 12, 2026
Pkapoor

Whether Speaking/Reasoned	YES/NO
Whether Reportable	YES/NO