

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27262-2022
Reserved on: 27.06.2022
Pronounced on: 30.06.2022

Lovedeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Vijay Singh Chugh, Advocate for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
52	24.04.2022	Maur, District Bathinda	458, 323, 506, 148, 149 IPC

1. A juvenile in conflict with law, apprehending arrest in the FIR captioned above has come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail.
2. Ld. Counsel for the petitioner contends that Section 438 Cr.P.C. does not bar any application by a juvenile and the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
3. Ld. counsel representing the State opposes bail.

REASONING:

4. Section 438 Cr.P.C. does not create any different class for minors to be treated differently for bails. Section 10 of the Juvenile Justice (Care and Protection of Children) Act, 2015, prescribes a procedure for the juveniles in conflict with the law whom the investigating agencies apprehend. Section 12 of bail under the Juvenile Act is much more lenient than sections 437 to 439 of Cr.P.C., and none of these statutes create any express bar for considering bail applications filed under Cr.P.C. on behalf of a minor.
5. Reference be also made to X v. State of Kerala, (2018) 3 RCR (Criminal) 327; Kishan Kumar v. State of Haryana, CRM-M-19907-2020, decided on 24-07-2020; Amandeep v. State of Punjab, CRM-M-43858-2020, decided on 24-12-2020.

6. Apart from this, the petitioner is a first offender, and one of the relevant factors would be to provide an opportunity to course-correct. Even a prima facie perusal of the paragraph 4 of the bail petition needs consideration for bail. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

7. Given above, keeping in mind the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, if the investigator proceeds with the arrest, then in such an eventuality, the petitioner shall be released on bail, by furnishing bonds to the Investigators satisfaction.

8. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

30.06.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.