

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12562-2025
Reserved on: 11.08.2025
Pronounced on: 22.08.2025

Gurveer Singh @ Nikku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.

Ms. Pooja Nayyar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
77	17.05.2024	Sadar Kotkapura, District Faridkot	324, 323, 506, 34 IPC (Section 326 IPC added later on)

1. The petitioner, who is minor and conflict with law apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 12 of the bail petition, the petitioner has no criminal antecedents.

3. Vide order dated 06.03.2025, petitioner was granted interim protection, which is continuing till date.

4. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Karandeep Singh @ Kannu s/o Kuldeep Singh son of Jangir Singh resident of Jeonwala, aged about 26 years Mobile No.9888xxxx. Stated that I am resident of above said address and do the work of plumber. On 15.5.2024 at about 9 p.m. I was taking bath in the bathroom of my house and my mother Sukhvir Kaur @ Gurmit Kaur was sitting in the Courtyard on the cot and blub of our house was switched on. Then suddenly I heard the loud noise of knocking of our main gate and heard loud noise. Then immediately after wearing the clothes I came outside in street, where my mother was making understand not to fight to Gurvir Singh Nikka son of Shingara Singh resident of Jeonwala, who was holding sword and Shingara Singh son of Chand Singh resident of Jeonwala who was holding stick. Then Gurvir Singh @ Nikku and Shingara Singh on seeing me became furious then Shingara Singh gave stick blow on me which hit on my face below the right eye and Shingara Singh gave another

blow of stick on me which hit on my left arm below the elbow. Then Gurvir Singh @ Nikka gave sword blow on me which hit on my head on right side above the ear straightway. Then I fell down. While I was lying down, Gurvir Singh @ Nikku gave another blow of sword on me, which hit below the elbow of left arm when I was trying to save myself. Then I and my mother raised loud noise of "Maar Dita Maar Dita". Then above both persons fled away from the spot along with their receptive weapons while issuing threats of elimination. Then my family members after arranging the vehicle got me admitted at Guru Gobind Singh Medical, where doctor is treating me. Cause of grudge is that on same day some time prior to this fight, some altercation and scuffle took place between me and above father and son near the dairy of our village. Due to this grudge these persons in connivance with each other have inflicted injuries to me and issued threats of elimination. I am complainant. Legal action be taken against Gurvir Singh @ Nikku son of Shingara Singh and Shingara Singh son of Chand Singh residents of village Jeonwala. Statement has been got recorded heard and same is correct."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the status report dated 27.03.2025.

8. It would be appropriate to refer to the following portions of the status report dated 27.03.2025, which reads as follows:

"20. xxx

(A) Role of the petitioner

i) Petitioner was armed with sword.

ii) Petitioner inflicted a sword blow on the complainant's head on the right side near his ear, which was subsequently declared grievous.

iii) Petitioner gave another sword blow on the complainant's left elbow.

(B) The evidence against the petitioner

i) Statement of the complainant under Section 161 CrPC.

ii) Medico-legal report confirming injuries.

iii) Recovery of sword from the petitioner."

REASONING:

9. It shall be appropriate to refer to the following provisions of the Juvenile Justice

(Care and Protection Of Children) Act, 2015:

S. 2(35) “juvenile” means a child below the age of eighteen years;

S. 2(12) “child” means a person who has not completed eighteen years of age;

S. 2(13) “child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

S. 2(33) “heinous offences” includes the offences 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;

S. 12. Bail to a person who is apparently a child alleged to be in conflict with law.—(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person’s release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home 1[or a place of safety, as the case may be] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

S. 15. Preliminary assessment into heinous offences by Board.—(1) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 18:

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.

(2) Where the Board is satisfied on preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973 (2 of 1974):

Provided that the order of the Board to dispose of the matter shall be appealable under sub-section (2) of section 101:

Provided further that the assessment under this section shall be completed within the period specified in section 14.

S. 18. Orders regarding child found to be in conflict with law.—(1) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, 1[or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under Section 15, disposed of the matter] then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—

(a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(b) direct the child to participate in group counselling and similar activities;

(c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(d) order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformative services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(2) If an order is passed under clauses (a) to (g) of sub-section (1), the Board may, in addition pass orders to—

(i) attend school; or

(ii) attend a vocational training centre; or

(iii) attend a therapeutic centre; or

(iv) prohibit the child from visiting, frequenting or appearing at a specified place; or

(v) undergo a de-addiction programme.

(3) Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

10. The date of occurrence was 15.05.2024, and the petitioner's date of birth is 20.02.2008. Thus, on the date of the incident, the petitioner was 16 years, 03 months i.e., under 18 years of age.

11. Per Section 12 of the Juvenile Justice Act, 2015, when any person who is apparently a child and is alleged to have committed a bailable or non-bailable offense is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the CrPC, 1973/ BNSS, 2023 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or the care of any fit person. However, as per the proviso, such a person shall not be released if there appear to be reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical, or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision. Given this, the following aspects have to be considered by the Juvenile board:

1. The release will likely bring the child into association with any known criminal.
2. Expose the child to moral, physical, or psychological danger.
3. The child's release would defeat the ends of justice.

12. Undoubtedly, the most grievous injury has been attributed to the petitioner, but he was under sixteen years of age at the time of the occurrence. Thus, he could have been separated from his lawful guardians only after meeting the statutory conditions of the JJ Act, which was prima facie not done.

13. Resultantly, no ground is made out to send the petitioner in custody/in protection home subject to the condition that his parents i.e. mother shall be responsible for the petitioner's good behavior and shall ensure that the petitioner, who is a child in conflict with the law, does not repeat any offense.

14. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above. One of the parents of the petitioner shall furnish bond on behalf of the child in conflict with law to the satisfaction of investigator for his appearance before investigator for the purpose of investigation and before the Juvenile Justice Board or the concerned Court, whichever it is. Parents shall ensure that child in conflict with law join investigation as and when called upon to do so.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [in CRA-D-123-2020,

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decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.08.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.