2026:PHHC:086840

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CRR 547 of 2021 (O&M)
Reserved on:-17.03.2026
Date of Decision:08.06.2026

Charanjeet Singh @ Charni ...Petitioner (s)

Vs.

State of Punjab ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Ms. Ramandeep Kaur, Advocate/Amicus Curiae
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition against the impugned order dated 13.03.2020 passed by the Court of Principal Magistrate, Juvenile Justice Board, Bathinda, as well as the impugned judgment dated 04.03.2021 passed by the Court of Additional Sessions Judge, Bathinda, whereby, the application filed by the prosecution for treating the petitioner [juvenile (in conflict with law)] as adult was allowed and the case was transferred to Children Court, Bathinda for trial.

2. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case on the basis of the FIR (Annexure P1) which was registered on the basis of the

statement made by Paramjit Singh and the same has been reproduced below:-

> *"Statement of Paramjit Singh son of Ajaib Singh Jatt, r/o Jodhpur Pakhar, aged about 45 years, Mobile No. xxxx stated that I am resident of above said address and an agriculturist. I have two sons Sandeep Singh and Sukhdeep Singh. Elder Son Sukhdeep Singh is aged about 25 years, who is unmarried and working as agriculturist. Today in the evening, I had gone to my field at Phundar Walay, in the area of village Jodhpur Pakhar for watering paddy crop and when I was returning to my home from my fields then it was about 08.30 pm. When I reached near Peer Khana near bus stand of our village, then the lights of the Peer Khana were on, where Dharmender Singh son of Joginder Singh armed with axe, Gagandeep Singh Mistri armed with Axe, Mandeep Singh son of Saudagar Singh armed with Axe, Charanjit Singh son of Satta Singh armed with Axe, Kala Singh son of Leela Singh armed with Gandasa, Jat residents of Jodhpur Pakhar were mercilessly giving blows on the head of my son Sukhdeep Singh with their axes and Gandasa. While my son got drenched in blood, I raised alarm and in the meantime, my younger son Mandeep Singh came at the spot. Then, both of us raised alarm and Baggi Singh son of Baljit Singh Nambardar Jatt resident of Jodhpur Pakhar fired three shots in the air with his country made pistol and threatened me and my son Mandeep Singh to kill us. Dharmender Singh etc. ran away from the spot alongwith their weapons. Motive is that yesterday, on 14.08.2016 at about 09.30 p.m., there was power cut in our village and at the time of power cut, Dharmender Singh etc aforesaid were pressurizing Satnam Singh employee of Electricity Department, after getting the electricity from electricity grid, to release electricity supply immediately.*

On seeing the dispute turning big, Satnam Singh Electricity Department employee also called up my elder son Sukhdeep Singh. My son Sukhdeep Singh had argument with Dharmender Singh aforesaid. This entire incident pertains to dispute at electricity grid on that day, which was disclosed to me by my son Sukhdeep Singh. About one year back, Manoj Kumar @ Mouji son of Babbarjit Sharma r/o Dayalpur Mirja had fight with my deceased son Sukhdeep Singh, then Manoj Kumar @ Mauji injured my son Sukhdeep Singh by giving fire arm injury after coming to our village, on which we had got registered the FIR against Manoj Kumar @ Mauji, which is pending before Bathinda Court. To compromise that matter, Manoj Kumar @ Mauji was pressurizing my son Sukhdeep Singh and was giving threats to life. I have full faith that there is hand of Manoj Kumar @ Mauji in the murder of my son Sukhdeep Singh. Statement has been recorded. Action be taken against Dharmender Singh etc. Heard it and it is correct. Sd- Paramjit Singh aforesaid. Attested by Karamjit Singh verified by Sd/- Daljit Singh SHO P.S. Maur, dated 16.08.2016".

3. Learned counsel for the petitioner contended that after the registration of the FIR, the petitioner had surrendered before the police on 21.08.2016 and he was produced before the Juvenile Justice Board. Ultimately, the charge against the petitioner was framed on 11.11.2016 and the prosecution evidence was led before the Board. Ultimately, the prosecution evidence was closed on 25.04.2017 vide the order of the Board and no appeal was filed against such order by the prosecution. However, the complainant filed a revision on 03.06.2017 and the same was also dismissed by the revisional Court on 18.10.2019. Again an application was moved by the prosecution for recalling the order dated

25.04.2017 and the same was also declined on 05.05.2017. In the meantime, the statement of the petitioner was recorded under Section 313 Cr.P.C. on 28.04.2017. When the case was listed at the fag end before the Board an application was moved by the prosecution and on 06.03.2020 with the prayer to try the petitioner as an adult before the Children Court, vide the impugned order, the said application was allowed by the Board as well as by the appellate Court and both the impugned orders are legally unsustainable. Learned counsel for the petitioner further contended that by allowing such an application, the Board as well as the appellate Court had completely brushed aside the mandatory provisions of Section 14 and 15 of the Juvenile Justice Care and Protection of Children Act 2015, (hereinafter to be referred as **'the Act'),** and wrongly allowed prayer made by the prosecution. In fact, the date of birth of the petitioner, juvenile-in-conflict with law, was 02.04.2000 and the date of alleged occurrence was 16.8.2016, which means that he was aged more than 16 years at the time of the alleged offence. Consequently, as per the mandate of Section 14(3) of the Act, a preliminary assessment was to be conducted by the Juvenile Justice Court within a period of three months from the date of first production of the child before the Court. However, in the present case, the assessment has been conducted by the Board after a period of four years, which is at a belated stage and the impugned orders are liable to be set aside only on this ground. Apart from that, there was no evidence on the file which proved the active participation of the petitioner in the alleged offence and the reports prepared by the police could not have been taken

into consideration by the Board as well as the appellate Court to allow the application moved by the prosecution. Still further, even the Board had enough time to conduct assessment and inquiry about the mental capacity of the petitioner to understand the circumstances and the consequences of the alleged offence. However, holding the assessment after a period of four years has caused serious prejudice to the case of the present petitioner. Apart from that, even at the time when the assessment was conducted, the petitioner was aged about 20 years and his mental capacity would not be the same as it would be at the age of 16 years and four months. Thus, the impugned order is liable to be set aside.

4. On the other hand, learned State counsel assisted by learned counsel for the respondent No.2 have vehemently opposed the submissions made by the petitioner on the ground that the provisions of Section 14(3) of the Act are directory in nature and not mandatory. Even, the statute itself provides for extension of time, which can be extended by the Board itself by recording reasons in writing. Apart from that, the Board as well as the appellate Court had recorded detailed reasons while declining the prayer made by the present petitioner and the impugned orders are liable to be upheld by this Court.

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

6. As per Section 15 of the Act, the mandatory assessment into the heinous offences has to be conducted by the Board. It has been laid down that the Board shall conduct a mandatory assessment with regard

to the mental and physical capacity of the juvenile to commit such offence, his ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence. It has also been provided under Section 14(3) of the Act that a mandatory assessment in case of heinous offence under Section 15 of the Act shall be conducted by the Board within a period of three months from the date of first production of the child before the Board. In the present case also, while holding the preliminary assessment with regard to the mental and physical capacity to commit such offence, both the Courts have held that the petitioner along with his other co-accused had conspired to kill the deceased. Firstly, he along with his co-accused caused injuries on the head of Sukhdeep Singh, since deceased, mercilessly and, thereafter, he got recovered the blood-stained axe to the police. Thus, it is apparent that the petitioner was having proper understanding of the acts being committed by him at that time and he was mentally alert and with a view to conceal the evidence, he had kept the blood-stained axe at some place so that it may not be recovered by the police. However, he suffered a confessional statement before the police and also got recovered blood-stained axe and it can be easily held that he had the mental capacity to commit such offences. Apart from that, he was not only having a sufficient mental capacity to understand the acts done by him and the consequences of the same, but he was also physically fit at the time of participation in the crime with his co-accused. Even, he had studied up to matriculation in the year 2016 and it cannot be said that he was not having proper mental capacity to know the nature of the acts

committed by him. Apart from that, I have also gone through the detailed findings recorded by the Board as well as the appellate Court and find no reasons to deviate from the same. Even, during the course of arguments, learned counsel for the petitioner has failed to point out any illegality, irregularity, and perversity in the impugned orders passed by both the Courts. Apart from that, the main argument raised by learned counsel for the petitioner is that in the present case, the preliminary assessment under Section 15 of the Act shall be conducted by the Board within a period of three months from the date of first production of the child before the Board in terms of the provisions of Section 14(3) of the Act. However, I find no force in the submissions made by learned counsel for the petitioner in this regard.

7. The Hon'ble Supreme Court in the matter of ***Child in conflict with the law through his mother versus State of Karnataka and another, 2024 SCC Online SC 798*** while discussing the provisions of Section 14(3) of the Act, held as follows;-

> *"9. Section 15 of the Act enables the Board to make preliminary assessment into heinous offences where such an offence alleged to have been committed by a child between 16 and 18 years of age. The preliminary assessment is to be conducted with regard to his mental and physical capacity to commit such an offence, ability to understand the consequences of the offence and the circumstances in which the offence was allegedly committed. Proviso to the aforesaid section provides that for making such an assessment the Board may take assistance of an experienced psychologist or psycho-social worker or other experts. Explanation thereto provides that the process of*

preliminary assessment is not a trial but merely to assess the capacity of such a child to commit and understand the consequences of the alleged offence. The importance of the assistance from the expert is even evident from Section 101(2) of the Act. While considering the appeal against an order passed under Section 15, the appellate authority can also take assistance of experts other than those who assisted the Board.

9.1 The importance of the aforesaid provision was considered by this Court in Barun Chandra Thakur's case (supra) where requirement of such assistance was held to be mandatory, even though the words used in proviso to Section 15(1) and Section 101(2) of the Act are 'may'.

9.2 Section 14(3) of the Act provides that the preliminary assessment in terms of Section 15 is to be completed by the Board within a period of three months from the date of first production of the child before the Board.

9.3 In case the Board after preliminary assessment under Section 15 of the Act comes to a conclusion that the trial of the CCL is to be conducted as an adult, then the Board shall transfer the records to the Children's Court having jurisdiction.

9.4 The argument raised by learned counsel for the appellant was that the CCL was produced before the Board on 03.11.2021. The period of three months having expired on 02.02.2022. Any order passed by the Board thereafter is non-est, and the trial of CCL cannot now be transferred to the Children's Court.

9.5 What we need to consider is as to whether the timeline for the conclusion of inquiry as envisaged under Section 14 is mandatory or directory?

9.6 As per the scheme of Section 14 of the Act, sub-section (1) thereof provides that, when a CCL is produced before the Board, after holding inquiry, it may pass order in

relation to such CCL as it deems fit under Section 17 and 18 of the Act.

9.7 Section 17 of the Act envisages the order regarding a child not found to be in conflict with the law. Whereas Section 18 (1) envisages an order passed in case a child is found to be in conflict with law. It includes child of the age of 16 years and above, who is involved in a heinous offence, but inquiry to be conducted by the Board.

9.8 Section 14(2) of the Act provides that the inquiry as envisaged under Section 14(1) thereof shall be completed within a period of four months from the date of first production of the child before the Board. The time is extendable by the Board for a maximum period of two months, for the reasons to be recorded. The consequences of non-conclusion of any such inquiry have been provided in Section 14(4) of the Act, only with reference to petty offences. The aforesaid sub-section provides that if inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated. Proviso to the aforesaid sub-section provides that in case the Board requires further extension of time for completion of inquiry into serious and heinous offences, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

9.9 Meaning thereby that as far as inquiry of CCL, as envisaged under Section 14(1) of the Act, by the Board for heinous offences is concerned, there is no deadline after which either the inquiry cannot be proceeded further or has to be terminated.

9.10 Now coming to the issue in hand. It is not in dispute that the CCL has allegedly committed a heinous offences. The argument is with reference to the period provided for

the conclusion of preliminary assessment under Section 15 of the Act and passing of an order under Section 15(2) or 18(3) of the Act, namely as to whether the matter is to be enquired into by the Board or is to be transferred to the Children's Court for trial of the CCL as an adult.

9.11 We may add here that apparently the placement of Section 18 (3) does not seem to be appropriate. Sub-sections (1) and (2) of Section 18 deal with final orders to be passed by the Board on inquiry against the CCL, whereas sub-section (3) envisages passing of an order by the Board as to whether the trial of CCL is to be conducted by the Children's Court in terms of preliminary assessment, as envisaged in Section 15 thereof. Passing of such an order could very well be placed in Section 15 itself after sub-section (2) thereof.

9.12 The inquiry as envisaged in Section 15(1) of the Act enables the Board to take assistance from experienced psychologists or psychosocial workers or other experts. The proviso has nexus with the object sought to be achieved. The Act deals with the CCL. The preliminary assessment as envisaged in Section 15 has large ramifications, namely, as to whether inquiry against the CCL is to be conducted by the Board, where the final punishment, which could be inflicted is lighter or the trial is to be conducted by the Children's Court treating the CCL as an adult, where the punishment could be stringent.

9.13 As noticed earlier, the preliminary assessment into the heinous offence by the Board in terms of Section 15(1) of the Act has to be concluded within a period of three months in terms of Section 14(3) of the Act. The Act as such does not provide for any extension of time and also does not lay down the consequence of non-compliance of inquiry within the time permissible. In the absence thereof the provision prescribing time limit of completion of inquiry cannot be

> *held to be mandatory. The intention of the legislature with reference to serious or heinous offences is also available from the language of Section 14 of the Act which itself provides for further extension of time for completion of inquiry by the Board to be granted by the Chief Judicial Magistrate or Chief Metropolitan Magistrate for the reasons to be recorded in writing. It is in addition to two months' extension which the Board itself can grant.*
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> *9.14 As in the process of preliminary inquiry there is involvement of many persons, namely, the investigating officer, the experts whose opinion is to be obtained, and thereafter the proceedings before the Board, where for different reasons any of the party may be able to delay the proceedings, in our opinion the time so provided in Section 14(3) cannot be held to be mandatory, as no consequences of failure have been provided as is there in case of enquiry into petty offences in terms of Section 14(4) of the Act. If we see the facts of the case in hand, the investigating officer had taken about two months' time in getting the report from the NIMHANS.*
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> *9.15 Where consequences for default for a prescribed period in a Statute are not mentioned, the same cannot be held to be mandatory. For this purpose, reference can be made to the following decisions of this Court".*

8. The Hon'ble Supreme Court has categorically held that the provisions of Section 14(3) of the Act are directory in nature and not mandatory, and even for the reasons to be recorded, such delay can always be condoned by the Board. In the present case also, the Board has recorded detailed reasons while allowing the prayer made by the prosecution at such a belated stage.

9. Consequently, there is no merit in the present petition and the same is ordered to be dismissed.

10. The fee of Ms. Ramandeep Kaur, Amicus Curiae, who assisted the Court on behalf of the complainant is assessed at Rs. 20,000/-. The fee shall be paid by the Secretary, High Court Legal Services Committee.

11. Pending applications, if any, stand also disposed of, accordingly.

08.06.2026 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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