

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

**Criminal Appeal No. S-1354 of 2019 (O&M)**  
**Date of decision : December 09, 2019**

Najmuddin

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Saleem Ahmad, Advocate, for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

Mr. CL Premy, Advocate, for the complainant

**Fateh Deep Singh, J. (Oral)**

The present appeal by a child in conflict with law has come about against an order dated 2.4.2019 of the court of learned Additional Sessions Judge, Fast Track Court for Trial of Rape Cases, Mewat whereby in a case got registered by way of FIR No. 552 dated 31.8.2018 under Sections 498-A, 304-B and 34 IPC, Police Station Nuh, request of the appellant for his release on bail stood declined.

Heard learned counsel for the parties and perused the records.

It is well illustrative from the arguments of the two sides and so is from the records that the appellant child in conflict with law who is now aged around 16 years was married on 26.2.2017 to a girl aged around 21 years while the appellant was of 15 years of age. On account of certain issues on 31.10.2018, the deceased died by means of hanging as a consequence of which on 10.9.2018, the appellant was incarcerated and that is how the present appeal has come about. Admittedly, at the time of the present occurrence the appellant was 16 years and one month old as per the claim of the appellant side. The appellant has remained in incarceration for more than one year and nearly three months. The own stand of the State counsel that the deceased was 21 years of age when she got married and was around 22 years of age when this unfortunate occurrence has come about, the same is suggestive of the apparent mismatching of the couple when the appellant was a kid and the girl was a major. The process of law qua the appellant a child in conflict in law is not likely to be over in the near future. It would sub-serve the ends of justice if the child is freed to enable to his reintegration in the society and the family and to bring about his monitoring and

reformation. In the light of the same without further commenting, the present appeal is allowed and the appellant child is ordered to be released to the satisfaction of the court trying him.

Before parting, this Court is disturbed over the manner in which various courts have dealt with the child quite in oblivion of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules framed thereunder and even prior thereto consequent upon registration of the FIR whereby without the matter being dealt with by Juvenile Police Unit or Welfare Police official, process has been set into motion.

In the light of this serious remiss that has come about impels this Court to exercise its inherent powers under Section 482 Cr.P.C. to call upon learned District & Sessions Judge, Mewat and the Superintendent of Police, Mewat to appear in person before this Court on 19.12.2019 with a view that such remises which have serious repercussions on mental and physical health of a child in future do not occur repetitively.

**December 09, 2019****'tiwana'****( Fateh Deep Singh )  
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*