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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.698 of 2025

‘A’ (Child-in-conflict with law) ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	28.10.2025
2.	The date when the judgment is pronounced	29.11.2025
3.	The date when the judgment is uploaded on the website	29.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant revision petition has been filed by the petitioner against the order dated 04.02.2025 passed by the Court of learned Additional Sessions Judge, Rohtak in case bearing FIR No.121 dated 16.04.2024 registered under Sections 148, 149, 302, 323, 506, 201 and 325 of IPC at Police Station I.M.T., Rohtak, District Rohtak, whereby an

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appeal filed by him against the order of Principal Magistrate Juvenile Justice Board, declining the prayer made by the petitioner for grant of regular bail had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Ajit alleging therein that on the night of 15.04.2024, his son Rohit had gone out for a walk after having supper. After sometime, he heard some noises and on coming out of the house, he found that three youths who had come in a nearby liquor vend to buy alcohol, were hurling abuses and Rohit was objecting to the same. They also started calling bad names to Rohit as well. The complainant asked the names of those youths one of whom was the present petitioner "A" and they disclosed the same. On asking of the complainant to leave, they had left at that time while proclaiming that they would teach a lesson to the complainant. They came back after sometime while being accompanied with some more persons and opened an attack upon Rohit with intent to kill him and inflicted injuries on his person. The complainant and some other persons who rushed for rescue of Rohit, also sustained injuries at their hands and then the assailants fled away. The son of the complainant succumbed to the injuries so sustained.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body and inquest proceedings were conducted. Statements of injured witnesses Sunil and Naveen were

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recorded. The accused Vishwajeet was arrested on 17.04.2024. The child in conflict with law A-1 (name withheld) who was one of the assailant, was taken into protective custody on 19.04.2024. On interrogation, he suffered disclosure statement admitting his involvement in the incident and got recovered a wooden stick used at the time of occurrence. He also demarcated the place of occurrence. The present petitioner who is also a juvenile was taken into protective custody on 17.04.2024. He too suffered disclosure statement and got effected recovery of a wooden stick (lathi). The co-accused were arrested subsequently. The petitioner moved an application for grant of regular bail which was dismissed by the Court of learned Principal Magistrate Juvenile Justice Board, Rohtak vide order dated 10.01.2025. An appeal filed against the said order before the Court of learned Additional Sessions Judge, Rohtak also culminated into dismissal and feeling aggrieved, the present revision petition has been filed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is an inordinate and unexplained delay in lodging of the FIR. He has clean antecedents. He is in custody since long. He was 15 years, 10 months and 04 days old as on the date of occurrence. Being a juvenile in conflict with law, he was entitled to seek concession of bail as a matter of right. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. The another juvenile in conflict with law A-1 has been extended benefit of bail by this Court. On parity, he too deserves to be extended the same

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benefit. While passing the impugned order, the learned Additional Session Judge did not take all these points into consideration. It is, thus, argued that the impugned order is liable to be set aside, the petition deserves to be allowed and he deserves to be released on bail.

5. Written response has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has vehemently argued that there are serious and specific allegations against the petitioner. He was named in the FIR. Specific overt acts and weapons were attributed to him. His release on bail might pose a significant risk to public safety as well as his own well being. The learned Appellate Court had rightly observed that the petitioner might re-associate with individuals involved in criminal activities and might be exposed to moral, physical and psychological harm if extended benefit of bail. His release on bail in an offence like the present one would defeat the ends of justice. The impugned order does not suffer from any infirmity or illegality. It is, thus argued that the petition is devoid of any merits and is liable to be dismissed.

6. Rival submissions as addressed by both the parties as well as material placed on record have been taken into consideration.

7. It is not in dispute that the present petitioner was born on 11.06.2008 and as on the date of occurrence he was 15 years, 10 months and 04 days old. It has also come on record that he has been sent by the Juvenile Justice Board to the Children Court for trial as an adult. It is well settled proposition of law that a juvenile in conflict with law still remains juvenile

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and cannot be denied benefit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (For short “Act, 2015”) when he is sent up for trial as adult. Reliance in this regard can be placed upon the observations made by a Coordinate Bench of this Court in *Sachin @ Suraj vs. State of Haryana, 2023 (3) Law Herald 2036*. However, the moot question, which falls for consideration before this Court is with regard to the fact as to whether the order passed by the Children Court while rejecting the bail application of the petitioner, is within the four corners of Section 12 of the Act, 2015? This section postulates rule of grant of bail for every child in conflict with law, who is alleged to have committed a bailable or non-bailable offence, if he/she is apprehended or detained by the police and is being produced before the Board. Such child has to be released on bail with or without surety. Further, as per proviso to this section, such child shall not be released if there appear to be reasonable grounds for believing that his/her 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.

8. From a bare reading of the provision of Section 12 of the Act, 2015, it appears that the intention of the legislature was to grant bail to a

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juvenile in conflict with law irrespective of the nature or gravity of the offence alleged to have been committed by him and the same can be declined only in cases where reasonable grounds are there for believing that the release is likely to bring him into association with any known-criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. Reference in this regard can also be made to *Shiv Kumar @ Sadhu Vs. State of U.P., 2010 (1) ACC 616*, wherein it was observed that gravity of the offence has not been mentioned as a ground for rejection of bail under Section 12 of the Act, 2015. Similar observations have been made by other Co-ordinate Benches of this Court in *Krishan Kumar Vs State of Haryana, 2020 (2) RCR (criminal) 342*; *Vishal Vs State of Haryana 2020 (4) RCR (criminal) 475* and *Sanjeet Vs State of Haryana, 2020 (4) RCR (Criminal) 338* by holding that for invoking the exceptions of Section 12 of the Act, 2015, as culled out for declining bail to a juvenile in conflict with law, there has to be some material before the competent authority on the basis of which, it can be said that the release of the juvenile would fall within the exceptions recognized under Section 12 of the Act, 2015 and that the seriousness of offence as mentioned in the FIR would not be a ground to deny to the juvenile, concession of bail.

9. Now coming to the peculiar facts and circumstances of the present case. As per the allegations, on the fateful day, the petitioner along with the co-accused had formed membership of an unlawful assembly and in prosecution of common object thereof, had assaulted the victim Rohit

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thereby causing injuries which proved fatal and resulted in his death. The role that has been attributed to the petitioner is that he along with the co-accused had chased the victim while he was running to save himself and had extended beatings to him with wooden sticks and iron rods and by giving kicks and fist blows. The social investigation report of the petitioner was filed before the Juvenile Justice Board as per which he was 16 years old at the time of incident. He belonged to a normal family and the family circumstances were also normal. As informed by his mother, he used to go to play on daily basis. On the day of incident also, he had gone outside his house before taking meals and then he did not return. He had no adverse report from the classmates, teachers and other friends. On going through the order passed by the learned Additional Sessions Judge in the criminal appeal filed before him, it is revealed that he did not give any consideration whatsoever to the social investigation report. This report does not gave any information that the release of the petitioner on bail was likely to bring him into association with any known criminal or would expose him to any moral, physical or psychological danger or his release on bail would defeat the ends of justice. As already discussed, in case of grant of bail under the provisions of Act, 2015, there is complete departure to the normal principle that gravity of the offence is material for grant or refusal of bail and the nature of the offence is not relevant rather the ingredients under Section 12 of the Act, 2015 are to be adhered to.

10. The basic object of the provisions of Act, 2015 is to provide

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care, protection, treatment and rehabilitation to a CCL. Undoubtedly, no indefeasible right exists in favour of a CCL for grant of regular bail under the Act, 2015, however, still at the same time, in view of Section 12 of the Act, 2015, ordinarily, a juvenile deserves to be released on bail except in the circumstances as enumerated in the proviso thereof. On considering the order passed by the learned Additional Sessions Judge on the anvil of the ingredients required for granting/rejecting bail, this Court is of the considered opinion that the social background report of the petitioner was required to be taken into consideration which was not so considered. From this report, nothing is shown to arrive at a conclusion that the case of petitioner fell within the exception as laid down in the proviso to Section 12 of the Act, 2015. The learned Additional Sessions Judge without having any material on record to come to the conclusion that the abovesaid ingredients were satisfied, proceeded to decline the prayer of the petitioner for grant of bail by observing that there were serious and grave allegations against the petitioner and he had not committed the offence at the spur of the movement. The observations made in the impugned order regarding Section 12 of the Act, 2015 were not based upon any cogent material. In ***Sourav vs. State of Haryana, CRM-M-55100-2023***, decided by this Court on 18.12.2023, the prayer made by a CCL for grant of bail had been allowed by observing that except the personsal information expressed by the Children Court, there was nothing on record to suggest that the CCL would face wrath and outrage from the members of the society in case he was granted

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concession of bail. In *Jatin vs. State of Haryana, 2024 (2) RCR (Criminal) 143*, benefit of bail was granted to a CCL by observing that the social information report showed that his relationship with his parents and siblings was normal, his attitude towards his classmate and friends was normal, he himself was not victim of any offence and that he was living in a normal urban locality.

11. It is not the case of the prosecution that the relationship of the petitioner with his own family members is not normal. There is nothing on record to suggest that his release on bail would bring him into association with any known criminal or expose him to any moral, physical or psychological danger or that would amount to defeating the ends of justice. In the given facts and circumstances, in my considered opinion, the impugned order rejecting the prayer made by the petitioner is inappropriate as the learned Sessions Court is not shown to have exercised the jurisdiction vested in it in terms of the object of the Act, 2015. Hence, the impugned order is liable to be set aside as it would in the fitness of things and in the interest of the petitioner to release him on bail since the ends of justice cannot be considered to be defeated only keeping in view the nature of the offences. Accordingly, the revision petition is allowed and the impugned order is set aside. The petitioner is ordered to be released on bail and he be given in the custody of his mother/guardian, on her/his filing personal bonds and two sureties of the like amount to the satisfaction of the Court concerned with the undertaking that the mother/guardian shall keep the juvenile away from unsocial and criminal elements, will look after his health, keeping his



mental and social status. She/he will also give an undertaking that on being released on bail, she/he will ensure his presence during trial before the Court concerned whenever so required.

12. Office is directed to transmit certified copy of this order to the Court concerned for information and necessary compliance.

29.11.2025
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(MANISHA BATRA)
JUDGE

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