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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRR No. 702 of 2024 (O&M)

Date of decision : 29.07.2025

Gxxxxxx

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. S. K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Nitin Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Tejaswini, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (*for short 'the Act, 2015'*) challenging the order dated 29.11.2023 passed by the learned Principal Magistrate, Juvenile Justice Board, Jind (*for short 'the Board'*), whereby an application filed by the petitioner for grant of regular bail in case arising out of FIR No. 0223 dated 16.08.2023, registered under Sections 148, 149 and 302 of IPC at Police Station Uchana, District Jind, had been dismissed. The petitioner has also laid challenge to the order dated 09.01.2024, passed by the Court of learned Additional Sessions Judge, Jind (*hereinafter referred to as 'the appellate Court'*), whereby the appeal filed by the petitioner against the order of the learned Board had been dismissed.

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2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Hitesh alleging therein that on the evening of 15.08.2023, his elder brother Naresh had gone to their agricultural land situated at Majra road for watering the fields. At about 09:00 PM, he had gone there to give food to his brother and heard some noises. On reaching at the spot, he found his brother lying in a pool of blood in an injured condition. On asking, he disclosed to the complainant that the present petitioner along with co-accused Virender, Vishal, Deepak, Mohjit, Gaurav and 3-4 nephews of Virender had assaulted him with sticks and *bindas*. Even the complainant had seen them while running away from his fields when he was coming there. The injured was rushed to the hospital but he succumbed to the injuries during the course of treatment.

3. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted. Inquest proceedings were also conducted. Co-accused Virender, Vishal and Mohjit were arrested on 20.08.2023. They were interrogated and suffered disclosure statements admitting their involvement in the crime and also got effected the recoveries of incriminating articles. They also took the name of the present petitioner. The petitioner was taken into protective custody on 26.08.2023. He too suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. The iron rod used by him in committing subject offence had also been got recovered at his instance subsequently. Other co-accused were also arrested. After completion of investigation/inquiry, report was presented against the

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petitioner before the Board. After conducting preliminary assessment, learned Principal Magistrate of the Board remitted the petitioner before Children Court to face trial as an adult and the petitioner is facing trial as such.

4. The petitioner had moved an application for grant of regular bail, which was dismissed by the Board on 29.11.2023 by making the following observations:

“...As per the prosecution story, the CCL Gxxx alongwith co-accused has murdered Naresh brother of complainant Nitesh. Keeping in view the aforesaid facts of the case SBR, police reply, this board is of the considered opinion that if CCL is released on bail, it would defeat the ends of justice. Hence, bail application on behalf of above named child Gxxx in conflict with law is dismissed.”

5. The appeal filed by the petitioner was also dismissed by the appellate Court on 09.01.2024 by making following observations:

“11. The arguments advanced by learned counsels for both the sides are duly considered apart from perusing the record. The learned counsel for the appellant/CCL is pressing for bail on the ground that there is delay of one day in lodging the FIR, the appellant/CCL is not required for inquiry purpose by the police as challan has been produced in the Court and proceedings before the juvenile Justice Board are likely to take sufficient time. In this regard, it is observed that while dealing with the bail application of the CCL it is to be considered that whether release of such person 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 release of person would

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defeat the ends of the justice. In the present case, the social background report of the juvenile is required to be considered. As per social background report, the father of the CCL has already expired and he involved himself into the crime due to family dispute. It is recommended in the report that the CCL may be kept in Reformatory Home. The said report was well considered by the Juvenile Justice Board while passing the order. Keeping in view the said report and the facts and circumstances of the present matter, as detailed above, it is made out that if appellant/CCL is released on bail, he is likely to come into association with the other criminals and it would expose him to moral, physical or psychological danger. His release would defeat the ends of justice. In such circumstances, the application was liable to be dismissed and the same was rightly dismissed by the Juvenile Justice Board and the appeal is also liable to be dismissed.”

6. Aggrieved from the aforesaid orders, the petitioner has filed the present revision petition.

7. It is argued by learned counsel for the petitioner that the impugned orders, passed by the Board and the appellate Court, are not sustainable in the eyes of law as while passing the same, the factum of his false implication has been totally ignored. He was below the age of 18 years at the time of occurrence. The Board and the appellate Court did not appreciate this fact and passed cryptic and non-speaking orders. The trial would take considerable time to conclude. He does not have any criminal antecedents. As per the social investigation report, the petitioner had no incriminating circumstances. There are no chances of his absconding or tampering with the

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prosecution evidence. He is ready to abide by the terms and conditions to be imposed upon him for grant of bail. No useful purpose would be served by keeping him in protective custody any more. It is, therefore, argued that he deserves to be extended benefit of bail. To fortify his argument, learned counsel for the petitioner has relied upon the authorities cited as ***Jatin vs. State of Haryana : 2024 (2) RCR (Criminal) 143, Sumit vs. State of Haryana, CRR-1691-2021***, decided on 12.12.2022, ***Sachin @ Suraj vs. State of Haryana, CRA-S-149-2003***, decided on 12.07.2023 and ***Sourav vs. State of Haryana, CRM-M-55100-2023***, decided on 18.12.2023.

8. Written response has been filed by the respondent-State. Learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant, has argued that the allegations against the petitioner are specific and serious in nature as he had actively participated in the occurrence and had caused injuries with sticks/bindas on the person of the victim. Victim Naresh succumbed to the injuries so sustained. The petitioner was having sufficient maturity of mind to oversee the consequences of his act. The Board and the appellate Court had passed detailed orders denying the concession of bail to the petitioner while considering the fact that the release of the petitioner on bail might bring him in association of bad elements or known criminals or expose him to moral, physical or psychological danger and also that there was danger of retribution by the society. It was also taken into consideration that there were chances of the petitioner's committing similar offences. It is further argued that the release of the petitioner is going to defeat the ends of justice keeping in view the gravity of offences as committed by him. While stressing

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that the impugned orders do not suffer from any infirmity or illegality, it is urged that the revision petition is liable to be dismissed.

9. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

10. It is not in dispute that the petitioner was a Juvenile at the time of commission of the offences in question. The main question that falls for consideration before this Court is that as to whether while passing the impugned orders, the Board and the appellate Court, acted within the four corners of Section 12 of the Act, 2015 or not ? Section 12 of the Act, 2015 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. As per provisions of this section, such child has to be released on bail with or without surety 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.

11. 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 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

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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. It is well settled by now by a catena of judgments that the gravity of offence alleged to have been committed by a CCL cannot be taken as a ground for rejection of bail under Section 12 of the Act, 2015. Reference in this regard can be made to *Shiv Kumar @ Sadhu vs. State of U.P. : 2010 (1) ACC 616*, *Krishan Kumar vs. State of Haryana : 2020 (2) RCR (criminal) 342* and *Vishal vs. State of Haryana : 2020 (4) RCR (criminal) 475*. Similar observations were made in *Jatin*'s case (supra). It is, thus, clear that for invoking exceptions to Section 12 of the Act, 2015, for declining bail to a CCL, 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.

12. Now referring to the peculiar facts of the present case. The allegations against the petitioner are that on 15.08.2023, he had formed membership of an unlawful assembly and in prosecution of common object thereof, had opened assault upon victim Naresh and had caused injuries to him with *danda*. The victim had succumbed to the injuries so sustained. The petitioner has clean antecedents. There is no mention about receipt of any social investigation report in the order passed by the Board. It is not elicited from the order passed by the Board or from the order passed by the appellate Court that the social investigation report, filed qua the petitioner, gave any

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such 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. Undisputedly, the gravity of the offence and charges has to be seen while granting anticipatory bail or regular bail to an accused, however, in case of grant of bail under the provisions of the Act, 2015, there is complete departure to the same as the ingredients mentioned under Section 12 of the Act, 2015 are to be adhered to in this regard and as discussed above, the merit and nature of the offence is not relevant for the purpose. The basic object of the provisions of the Act, 2015 is to provide care, protection, treatment and rehabilitation to juvenile in conflict with law. 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 enlarged on bail, except in the circumstance as enumerated in the proviso thereof.

13. On going through the orders passed by the Board and the appellate Court, it is apparent that without having any material on record to come to the conclusion that the release of the petitioner on bail was likely to bring him into association of any known criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice, they came to the conclusion that the above said ingredients were satisfied and proceeded to decline the prayer of the petitioner in this regard. The observations made therein regarding Section 12 of the Act, 2015 were not based upon any cogent material. The petitioner had been taken into protective custody on 20.08.2023. In *Sumit's* case (supra), which has been cited by

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learned counsel for the petitioner, the benefit of bail was given to CCL after considering the period of incarceration and the social investigation report, which merely suggested causes of the problem as bad company and bad intention but did not say that the petitioner was a hardcore criminal or might go back to the same company, if released on bail. In ***Sachin @ Suraj***'s case (supra), the benefit of regular bail was given to a CCL facing inquiry for commission of offence under Section 302 of IPC by observing that the eye-witness had failed to identify the CCL and also by taking into consideration the period of his incarceration. In ***Sourav***'s case (supra), the prayer made by the CCL for grant of bail had been allowed by observing that except the personal opinion expressed by the Children Court, there was nothing to suggest that the petitioner would face wrath and outrage from the members of the society in case, he was granted concession of bail. In ***Jatin***'s case (supra), 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 cordial, his attitude towards his classmates and friends was normal, he himself was not the victim of any offence and that he was living in a normal urban locality.

14. In view of the discussion as made above and in the given facts and circumstances, I am of the considered opinion that the impugned orders rejecting the prayer made by the petitioner are inappropriate as the Board and the appellate Court are not shown to have exercised the jurisdiction vested in them in terms of the object of the Act, 2015. Hence, the impugned orders are liable to be set aside as it would be 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.

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Accordingly, the revision petition is accepted and the impugned orders are set aside. The petitioner has attained majority. He is ordered to be released on bail on his furnishing personal bonds and surety bonds of two sureties of the like amount each to the satisfaction of the Court concerned.

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

29.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No