

**CRA-D-640-2025**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRA-D-640-2025
Decided on: 24.12.2025

Nitin @ Bajrangi

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAURPresent: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

1. The appellant who was below 18 years of age at the time of occurrence i.e. child-in-conflict with law after conviction and sentence u/s 302 IPC & 25 of Arms Act, came up before this Court against the judgment of conviction and order of sentence in appeal.

2. Counsel for the appellant submits that the sentence passed by the trial Court is not in consonance with statute as appellant was CCL, however State counsel submits that appellant was tried as adult and sentence awarded is on lower side as offence provides sentence for life imprisonment or death and fine.

3. We have gone through the judgment passed by the trial Court. No doubt the appellant was not adult at the time of incident, however perusal of the judgment reflects that he was tried as an adult by the trial Court. However there is no averment mentioned in the judgment when the assessment was made by the Juvenile Justice Board under

CRA-D-640-2025

Section 15 read with Section 18(3) of Juvenile Justice (Care and Protection of Children) Act 2015 (For short ‘JJ Act’) for declaring the appellant as an adult and his trial as adult.

4. As per Section 21 of JJ Act, no child-in-conflict with law tried as an adult shall be sentenced to death or life imprisonment without possibility of release for any such offence either under the provisions of said Act or under the provisions of Indian Penal Code or any other law for the time being in force. However, the statute provides sentence under Section 302 IPC for life or death and fine. Absence of the clarity qua trial of the appellant as an adult makes the order of sentence passed by the trial Court confusing.

5. Given above, sentence part of the judgment is set aside and matter is remanded back to the trial Court for consideration on the point of sentence again, clarifying all the facts qua declaration of the appellant as an adult i.e. when he was ordered to tried as adult and consideration of that part while awarding the sentence.

6. The appeal is disposed of with the aforesaid observation. The Registry to convey this order to the trial Court at the earliest. It is clarified that appellant shall be at liberty to file fresh appeal after pronouncement of order of sentence by the trial Court and limitation to file appeal shall start from the order of sentence itself. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

24.12.2025
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO