

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

BEFORE

HON'BLE MS. JUSTICE AARADHNA SAWHNEY

229

CRM-M-48656-2025

DATE OF DECISION 24.12.2025

BETWEEN

CHILD IN CONFLICT WITH LAW, AGED
ABOUT 17 YEARS (MINOR), THROUGH
UNDER GUARDIANSHIP OF A (FATHER),
RESIDENT OF HOUSE NO. 767, TANGAIL ROAD
BARARA, P.O. MULLANA, DISTRICT AMBALA

...PETITIONER.

(BY SHRI KAPIL GUPTA, ADVOCATE)

AND

STATE OF HARYANA

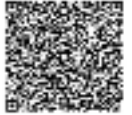
...RESPONDENT.

(BY MR. VISHAL SINGH, AAG, HARYANA)

ORDER

1. Child In Conflict With Law (CCL), an accused in case FIR No. 23 dated 11.1.2025, registered against him for offences under Section 109(1) of BNSS and Section 25(1B) of Arms Act, at Police Station Gharaunda, District Karnal, has filed the present petition under Section 483 of BNSS for grant of bail.

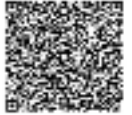
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:-



Constable Anil Kumar, 1807, set the criminal law in motion by filing a complaint pointing therein that he along with Constable Neeraj, 1899, were posted as Security Guards at JMD Shop, Gharaunda, which is owned by Neeraj, who runs Mobile business. At about 5.30 PM on 7.1.2025, when they both were on duty at the shop, they heard sound of gunshots and suddenly saw a bullet hitting the wall after passing through the exhaust fan installed above the gate. It appeared that some unknown persons had fired the shots and had sped away thereafter. Complainant also pointed out that probably the shots had been fired from GT Road Flyover, which is just in front of the shop. With this backdrop, he reported the matter to the senior police officials and requested to initiate appropriate proceedings against all those who were involved. Immediately, thereafter, ASI Parveen Kumar reached the spot along with Constable Anil Kumar and after verifying the facts, a formal case vide FIR No. 23 dated 11.1.2025, was got registered under Section 109(1) of BNSS and Section 25(1B) of Arms Act, at Police Station Gharaunda, District Karnal.

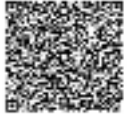
Investigations were initiated, during which FSL team visited the site, statements of witnesses were recorded, scene of crime team arrived at the site, Senior Scientific Officer also inspected the site, bullet shell, particles of sand and cement from the hole of the wall were collected from the site and were converted into separate parcels and were taken into possession. Later the case property was deposited in the Malkhana.

During further investigations, on the basis of reliable clues, one Sachin Saini alias Bhanu, son of Naresh Kumar, resident of near MM Mullana University, District Ambala was arrested, who during interrogation,



confessed to his involvement in the commission of offence and revealed the identification details of his other accomplices as one Vansh alias John Kumar alias Jony and present petitioner 'Y' (juvenile). Co-accused Sachin Saini alias Bhanu further disclosed that they all were for Kaka Rana resident of America. Petitioner/ 'Y' procured weapons at the behest of Kaka Rana, who issues extortion threats and demands ransom from well known accomplished persons. Later 'Y'/petitioner is sent to scare the targets at disclosed locations. After the work is completed, Kaka Rana credits the money in their bank account. Further, according to co-accused, on 7.1.2025, on receiving instructions from aforesaid Kaka Rana on 'Instagram', they targeted a shop (JMD owned by Neeraj) in Gharaunda. Petitioner fired shots from GT Road flyover while he (Sachin Saini @ Bhanu) drove the motorcycle. Shooting incident was videographed and later sent to Kaka Rana, who promised to send Rs.50,000/-.

It further came to the notice of the police authorities that CCL was already confined in place of Safety, Madhuban, in case FIR No. 8 dated 06.01.2025, under Sections 109(1), 111(4) of BNS and Section 25(1-b)(A) of Arms Act, registered at Police Station, Sector 32-33, Karnal. After seeking his production warrants, he was questioned on 23.1.2025, during which he also admitted to have committed the offence along with his accomplice Sachin Saini @ Bhanu. During the further course of investigation, call details record of both Sachin and CCL were collected from the concerned telecom company and Instagram ILD was also taken into possession. The CCTV footage of the firing incident and audio recording in which threats were issued to the owner of JMD were also seized.



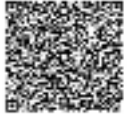
Admittedly, two other accused, namely, Sombir and Kaka Rana have not been arrested and their look out circulars have been issued.

On culmination of investigation, final reports qua the present petitioner and co-accused Sachin Saini @ Bhanu were submitted before the Juvenile Justice Board and Illaqa Magistrate, Karnal, respectively. Petitioner has been charge sheeted. As per the Status Report, out of 14 prosecution witnesses, 7 have been examined.

3. Third application for grant of bail moved by CCL was dismissed by learned Additional Sessions Judge, Karnal, vide order dated 14.8.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for petitioner-CCL submits that CCL has been falsely implicated in the present case. He was not named in the FIR and there is no evidence worth its name to connect him with the alleged incident. Learned counsel has also drawn the attention of the Court to the copy of statement made on oath by complainant-Constable Anil Kumar, at whose behest, the proceedings were initiated, *who while appearing as PW2 frankly admitted that he did not see any person firing gunshots, no one was found at the site and that only sudden loud sounds were heard. It was later that they came to know that shots had been fired which had hit on the wall after passing through the exhaust fan.*

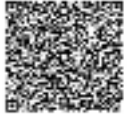
It is further the stand of learned counsel that the person on whose shop the alleged incident occurred (Neeraj, son of Joginder Pal), has also been examined as PW3 and who admitted that though flyover can be seen from his shop but at the relevant time, he did not see anybody, as also that initially, they could not understand what had happened, but later they



came to know that the shots fired from a distance had hit the wall after crossing the exhaust fan.

The next leg of submission raised by learned counsel for the petitioner is that the bail applications of petitioner were dismissed by learned Courts below in a routine mechanical manner. Provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as also the law on the subject were not taken note of. Learned counsel submits that there is nothing to suggest that if the CCL is extended the concession of bail, same is likely to bring him in the association of any known criminal and would expose him to moral, physical or psychological danger. All these crucial aspects were not taken note of by learned Additional Sessions Judge, Karnal. No finding to this effect was returned. It is further the submission of learned counsel that on grounds of parity, lenient view deserves to be taken in favour of CCL as co-accused Sachin Saini @ Bhanu, who is similarly situated as the present petitioner, has also been granted the concession of bail.

5. Status report by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda, Karnal, has been filed, wherein, in para 4 thereof, the role of CCL and motive for commission of offence have been highlighted. Learned State counsel submits that CCL had been in constant touch with one 'Kaka Rana', a resident of America, and used to act on his instructions. Gun shots at the shop of Neeraj, resident of Gharaunda were fired by 'CCL' and co-accused at the behest of Kaka Rana. This businessman had received extortion threats from abovesaid Kaka. Apprehending threat to his life and liberty, two police personnel had been



deputed at his shop. These threats were actually executed by CCL and co-accused Bhanu, both of whom on the day of incident fired shots at his (Neeraj's) shop. Call detail records, Instagram ILD record, CCTV footage and recording of threat call were obtained to corroborate the stand of prosecution. Moreover, further investigation to arrest remaining accused persons, namely, Sombir and Kaka Ram who are residing in America is in progress.

Evidence on record, *prima facie*, indicate complicity of 'CCL' in the incident. It is further submission of learned State counsel that since out of 14 prosecution witnesses, 7 have already been examined, completion of trial would not take much time. Dismissal of the petition has been prayed for.

6. Factual aspects leading to the registration of the FIR have already been noticed in para 2 of the order. In the facts and circumstances brought on record, it is apparent that the CCL requires in-house correctional and rehabilitative services in order to wean him away from criminal activities. It has already been noted that 'CCL' had been in constant touch with gangster residing in America and was acting on his instructions. If extended the concession of bail, he is most likely to again come in contact with known criminals (even the Social Input Assessment Report suggests that parents have no control over him). That apart, he is also involved in other criminal case bearing FIR No. 8 dated 06.01.2025, under Sections 109(1), 111(4) of BNS and Section 25(1-b)(A) of Arms Act, registered at Police Station Sector 32-33, Karnal. It is, thus, in his own interest to provide



him in-house correctional service during his lodging in Children Care Home.
All efforts be made to expedite the trial.

7. In view of the above, finding no merit in the instant petition,
same is hereby dismissed.
8. Nothing stated above shall be construed as an expression on the
merits of the case.

24.12.2025
gbs

(AARADHNA SAWHNEY)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No