



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

CRR No.2290 of 2025 (O&M)

Reserved on :16.09.2025

Pronounced on:22.09.2025.

SXXXX

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by :Ms. Aarti Sharma, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

An application seeking for bail, moved by the revisionist-petitioner, who is a child-in-conflict-with-law, hereinafter being referred as petitioner only, has been dismissed by the learned Juvenile Justice Board Panipat. The appeal preferred by he petitioner against the order of Juvenile Justice Board has failed to find favour of learned Court of Additional Sessions Judge. Thus, aggrieved of both the above mentioned orders this revision petition has been preferred.

2. Shorn of unnecessary details the facts emerging from record are that the FIR No.375 dated 02.10.2023, under Sections 302, 201, 365, 34 IPC and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station, Sector 13-17, Panipat, came into being in view of a complaint submitted by Rajpal, who stated that his son, was namely Saurabh Nagpal, had left home at 12.00 P.M on



01.10.2023 and that he was missing since then. According to complainant, mobile phone of his son, too, was switched off. It has been projected by the prosecution that in view of above mentioned complaint, formal FIR of this case, for the commission of offence under Section 365 IPC was lodged and the investigation taken up.

3. According to prosecution on 05.10.2023 the complainant got recorded his supplementary statement and disclosed to the Investigating Officer that his son had been killed by the petitioner & his accomplice, and that the body of his son was lying in sugar cane fields in village Babail, District Panipat. As per prosecution, in response to above mentioned supplementary statement, the spot was inspected by the Investigating Officer, the dead body of deceased was recovered and necessary formalities as enshrined under Section 174 Cr.P.C. conducted. The prosecution has further alleged that in view of above mentioned development the FIR was converted for an offence under Section 302 IPC and the petitioner was taken into protective detention whereas his co-accused Rachit who was major was duly arrested. The investigation in this case has already been concluded and the challans filed.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is in custody for a period of almost two years and that the learned Juvenile Justice Board as well as the learned Appellate Court have committed an error of judgment when they failed to appreciate the fact that juvenile has a special right for bail and that unless the conditions, as enshrined under Section 12 of Juvenile Justice (Care & Protection of Children) Act 2015 are fulfilled, the law prescribes that benefit of bail can not be denied to the petitioner. According to



learned counsel for the petitioner, in the present case, merely on the basis of assumptions and presumptions, the learned Juvenile Justice Board, vis-a-vis the learned Appellate Court, have wrongly observed that if the petitioner is released on bail it may bring him in association with known criminals or expose him to moral, physical and psychological danger, and that his release would defeat the ends of justice.

6. The learned counsel for the petitioner has argued that a bare perusal of the order passed by the learned Juvenile Justice Board vis-a-vis Appellate Court makes it abundantly clear that the learned Juvenile Justice Board vis-a-vis Appellate Court had not procured any social investigation report and merely on the basis of unfounded plea of the prosecution, on the basis of whims and fancies, it has been observed that the release of petitioner, on bail, would expose him to moral, physical or psychological danger. According to learned counsel for the petitioner there is no chance of petitioner coming into contact of known criminals, as neither the petitioner nor his family members have criminal history, and there is nothing on record to show that on release on bail the petitioner would come an association of non-criminals. As per learned counsel for the petitioner in view of above mentioned fact situation, the order passed by the learned Juvenile Justice Board dated 13.02.2024, regarding dismissal of bail application of petitioner, duly affirmed by the learned Appellate Court, needs to be set aside.

7. In addition to above, it has also been argued by learned counsel for the petitioner that otherwise also the petitioner has already suffered lot of incarceration for being in protective detention for a period of almost 2 years and the inquiry is not likely to be concluded in near future.



8. Per contra, the learned State counsel has argued that the present revision petition has got no merit in view of the gravity of offence and the conduct of petitioner, who committed cold blooded murder of victim in a gruesome manner. According to learned State counsel the commission of such offence at young age of 16 in itself is a great indicator of the fact that if he is released on bail, the petitioner would come in contact of known criminals and would be exposed to moral, physical and psychological danger. While claiming that the release of petitioner on bail would defeat the ends of justice, the learned State counsel has defended the impugned order and contended that there is no scope for interference in the impugned order.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case a bare perusal of the orders passed by the learned Juvenile Justice Board, and also the learned Appellate Court, would go to show that both the Courts have been swayed by the facts projected by the prosecution wherein a prominent role has been attributed to the petitioner in the commission of offence of very serious nature. However, while dealing with an application moved by a child-in-conflict-with-law, the parameters for consideration are altogether different. In this regard it shall not be out of place to look into the bare provision contained in Section 12 of the Juvenile Justice (Care & Protection of Children) Act 2015.

11. With regard to above mentioned right of a juvenile for bail Section 12 of Juvenile Justice (Care & Protection of Children) Act 2015 prescribes that when a child-in-conflict-with-law, alleged to have committed an offence, is apprehended or detained and produced before the Board such person shall be released on bail or placed under supervision of Probation Officer or under the



care of fit person. The only exception carved out with regard to above mentioned provision are the following circumstances, when the above mentioned benefit can be refused to child-in-conflict-with-law are:-

- (i) when there appears reasonable grounds for believing that the release is likely to bring the child-in-conflict-with-law into association with known criminals;
- (ii) when it will expose the child-in-conflict-with-law to moral physical and psychological danger;
- (iii) when the release of child-in-conflict-with-law would defeat the ends of justice.

Section 12(i) of the above mentioned Act further prescribes that if a bail is denied to a child-in-conflict-with-law, the Juvenile Justice Board shall record the circumstances that led to such decision.

12. In the light of above mentioned provisions, enacted by the legislature, if the orders passed by the learned Juvenile Justice Board and the learned Appellate Court are analysed, it transpires that although the Juvenile Justice Board made it clear that it was aware of the three conditions wherein right to bail can be denied to a child-in-conflict-with-law, yet, with regard to the grounds for forming an opinion against the child-in-conflict-with-law, and holding that the above mentioned conditions are applicable in the present case for justifying the denial of right of bail to the petitioner, no justified ground finds mention in the impugned order.

13. As already discussed above, simply because there are allegations that a heinous crime has been committed by the petitioner, this inference cannot be drawn that any of the three conditions laid down under Section 12(1)



of Juvenile Justice (Care & Protection of Children) Act 2015, wherein right to bail can be denied to a child-in-conflict-with-law, stands satisfied. One of the most strange part contained in the above mentioned order is that even the social investigation report was not obtained by the learned Juvenile Justice Board and even the impugned order is silent about the material available, with the learned Juvenile Justice Board, which led the learned Juvenile Justice Board to form an opinion that the instant case was a fit case wherein right to bail should have been denied to the petitioner.

14. As a sequel to aforesaid observation in the forgoing paragraphs, it is hereby held that without any reasonable grounds the learned Juvenile Justice Board vis-a-vis learned Appellate Court have formed this opinion, with regard to that release of petitioner on bail;

- (a) that there appears reasonable grounds for believing that the release is likely to bring the petitioner into association with known criminals;
- (b) that it will expose the petitioner to moral, physical and psychological danger;
- (c) that the release of petitioner would defeat the ends of justice,

thus for want of any material justifying the above mentioned observations it is hereby held that the above mentioned observations made by the learned Juvenile Justice Board, vis-a-vis learned Appellate Court, are not sustainable and, therefore, there is a need to exercise the revisional jurisdiction of this Court and interfere in the impugned order. Hence, the present petition is hereby accepted. The orders passed by the learned Juvenile Justice Board, and the learned Appellate Court, are hereby set aside and the case is remitted



back to the learned Juvenile Justice Board to pass fresh orders in the light of observations contained in the forgoing paragraphs. However, before passing the fresh order, the learned Juvenile Justice Board shall provide opportunity of being heard to the petitioner vis-a-vis State.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on: 22.09.2025
Manoj Bhutani

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