

CRM-M-51604-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-51604-2024
Decided on: 12.03.2025

Manav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Fateh Saini, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
205	14.09.2024	Barara, District Ambala	115, 121(1), 127(2), 132, 190, 191(2), 351(3) of BNS 2023

1. A juvenile in conflict with law, apprehending arrest in the FIR captioned above, has come up before this Court under Section 482 BNSS seeking anticipatory bail.
2. Petitioner's counsel prays for bail by imposing any stringent conditions. Petitioner's counsel contends that Section 482 BNSS does not bar any application by a juvenile and the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
3. State's counsel opposes the bail and refers to the status cum compliance report, which is filed in the Court today and the same is taken on record.
4. Section 482 BNSS does not create any different class for minors to be treated differently for bails. Section 10 of the Juvenile Justice (Care and Protection of Children) Act, 2015, prescribes a procedure for the juveniles in conflict with the law whom the investigating agencies apprehend. Section 12 of bail under the Juvenile Act is much more lenient than sections 437 to 439 of CrPC, and none of these statutes create any express bar for considering bail applications filed under CrPC on behalf of a minor.



CRM-M-51604-2024

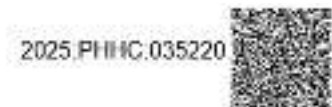
5. Reference be also made to X v. State of Kerala, (2018) 3 RCR (Criminal) 327; Kishan Kumar v. State of Haryana, **2020:PHHC:054172**, CRM-M-19907-2020, decided on 24-07-2020; Amandeep v. State of Punjab, **2020:PHHC:088817**, CRM-M-43858-2020, decided on 24-12-2020.

6. Although the offence is heinous but this Court is granting bail only on the ground that as per para 3 of the status report, petitioner was just 15 years 03 months old at the time of occurrence and even now he is a minor. Para 3 of the status report reads as follows:-

“3. That after receipt of the orders of this Hon’ble Court, SHO PS Barara was directed to comply with the orders of this Hon’ble Court upon which SI Vijay Kumar, CIA Staff Ambala City verified the fact of present case and thereafter moved an application before the Principal GSSS Barara, Ambala for providing School Leaving Certificate of (M-XXXX-Juvenile) with the certified copy of the page of the register where his name has been entered at the time of admission in the school and collected the school leaving certificate of (M-XXXX Juvenile) having file no. 537/2023, date of issuance 13.03.2023- student registration no. 1703841386, numbered in admission register at serial No. 3584 and on examination of the same, it is revealed that the date of birth of the (M-XXXX- Juvenile) was/is 17.06.2009 as per the aforesaid certificate and hence on the day of occurrence of present crime, the accused (Mxxxx-Juvenile) was having 15 years and 03 months of age). The copy of School Leaving Certificate and copy of the register of Admission and withdrawal Admission are annexed as Annexure R-1 and R-2 for the kind perusal of this Hon’ble Court.”

7. Apart from the above, the petitioner is a first offender, and one of the relevant factors would be to provide an opportunity to course-correct. Even a prima facie perusal of the paragraph 4 of the bail petition needs consideration for bail. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail,

8. Given above, keeping in mind the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, if the investigator proceeds with the arrest, then in such an eventuality, the petitioner shall be released on bail, by furnishing bonds to the Investigators satisfaction by way of an affidavit by petitioner’s father or mother to take care of him and to ensure that he will not repeat the offence. In case the parents of the



CRM-M-51604-2024
petitioner are unable to control on behaviour of the juvenile then it shall be permissible for them to file an application before the concerned Juvenile Justice Board to handover the custody of the juvenile to the concerned Child Protection Home.

9. It is further clarified that grant of bail to the petitioner shall not be construed as precedent for bail to the other co-accused.

10. The SHO of the concerned police station or the investigating officer shall arrange to send a copy of this order, preferably a soft copy, to the complainant and the victim, without any delay. If the victim(s) notice any violation of this order, they may inform the SHO of the concerned police station, the trial court, or even this court.

11. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

12.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.