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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2096-2024

Date of Decision:- 06.02.2025

**Child in conflict with law “VI” (name withheld to protect his identity)
through his father Mukesh**

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Kumar, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner/Child in conflict with law (for short ‘CCL’) has filed present criminal revision against impugned order dated 09.09.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Faridabad as well as judgment dated 01.10.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, (Exercising the Power of Children Court), Faridabad, dismissing the second bail application filed by CCL.

2. As per the facts of case, complainant who is father of victim gave his statement that on 16.04.2024 at about 08:00 pm, one boy tried to give mobile phone to his daughter at the gate of his house. It was told that same was given by CCL who was living in their neighbourhood. His daughter told her mother that when they used to go out for work and on her way to school, said CCL used to threatened her and asked her to do wrong



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acts. On 23.03.2024, he took her to the house of his friend Deepak and committed wrong act with her and she was told not to talk about it with anyone. It was further disclosed that in their absence, said CCL used to take her in a park. With these allegations, present FIR was registered.

3. Learned counsel for petitioner/CCL argued that facts of the case and points raised before the Court were not rightly considered by the Courts below. Bail application was filed under Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2015 on the ground that on 16.04.2024, petitioner was present at shop of his employer Parveen Kumar situated in Street No. 2, Bhodd Colony, Heera Mandir Gali, Old Faridabad. He was lifted from there forcibly by police officials. No offence under Section 6 of POCSO Act is made out nor there is any allegation of criminal intimidation. Learned Principal Magistrate, Juvenile Justice Board and learned Additional Sessions Judge, Fast Track Special Court (Exercising the Power of Children Court), Faridabad failed to consider that petitioner/CCL was minor. There was no reason to deny bail to him under the provisions of Section 12 of POCSO Act. Case is at initial stage. Preliminary assessment is yet to be done whether petitioner will be tried as a juvenile or an adult. Challan was presented and thereafter, offence under Section 6 of POCSO Act was deleted and Section 4(2) of POCSO Act was added. Without passing reasoned order, bail application of petitioner/CCL was wrongly declined by Juvenile Justice Board and criminal appeal filed against impugned order dated 09.09.2024 was also wrongly declined by learned Appellate Court without appreciating facts and provisions of Section 12 of Juvenile Justice Act. It is submitted that impugned order



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dated 09.09.2024 passed by Juvenile Justice Board as well as judgment dated 01.10.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, (Exercising the Power of Children Court), Faridabad are liable to be set aside and petitioner/CCL may be granted regular bail. Court may impose conditions which said petitioner/CCL will abide by.

4. On the other hand, learned counsel representing State opposed bail petition filed by petitioner/CCL. It is pointed out that there are specific serious allegations against petitioner/CCL. There is every likelihood that he will interfere with trial in this case by approaching the minor victim and he may further expose himself to other wrongful activities. Facts of case were rightly considered by learned Principal Magistrate, Juvenile Justice Board, Faridabad and regular bail petition was rightly declined by passing reasoned order dated 09.09.2024 and appeal was also rightly dismissed by learned Additional Sessions Judge, Fast Track Special Court, (Exercising the Power of Children Court), Faridabad. It is pointed out that proceedings before Juvenile Justice Board are at initial stage. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. As per facts narrated by complainant, there are specific serious allegations against present petitioner/CCL. Victim involved in this case is a minor girl age about 15 years. During the course of investigation, her statement was also recorded under Section 164 Cr.P.C. where she confirmed allegations against petitioner/CCL. Therefore, in the case in hand, petitioner/CCL as well as victim, both are minor. Petitioner/CCL has prayed for concession of bail under the provisions of Section 12 of The



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Juvenile Justice (Care and Protection of Children) Act, 2000 which runs as under :-

“12. Bail of juvenile – (1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety [or placed under the supervision of a Probation Officer or under the case of any fit institution or fit person] but he shall not be so released if there appear reasonable grounds 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.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.”

As per the aforesaid provisions, CCL can be denied bail if there is reasonable ground to believe that his release on bail is likely to bring him in association with other unknown criminal or expose him to immoral, physical or psychological danger or that his release would defeat ends of justice. While considering regular bail petition filed by petitioner/CCL, facts of case, nature of offence and age of victim are to be considered. There are serious allegations against present petitioner/CCL falling under the provisions of Section 4 of POCSO Act and under Section 506 of IPC. There is every likelihood that he will try to contact minor victim. Proceedings before Juvenile Justice Board are at initial stage.

Therefore, release of petitioner/CCL at this stage will defeat ends of

justice. Considering the aforesaid factual position, learned Principal Magistrate, Juvenile Justice Board, Faridabad rightly dismissed second application for bail vide order dated 09.09.2024 and appeal preferred against this order was also rightly declined by learned Additional Sessions Judge, Fast Track Special Court, (Exercising the Power of Children Court), Faridabad vide order dated 01.10.2024. Therefore, I do not find any illegality or irregularity committed by the courts referred above. Thus impugned order is, accordingly, upheld. Resultantly, revision preferred by present petitioner/CCL is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

06.02.2025
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(AMARJOT BHATTI)
JUDGE

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