

**CRR-2181-2024****-1-**

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

209**CRR-2181-2024****Date of Decision: 29.08.2025****MXXX****... PETITIONER**

VERSUS

STATE OF HARYANA**... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Ashit Malik, Advocate and
Mr. Abhinav Kansel, Advocate for the petitioner.

Mr. Tapan Masta, Addl. Advocate General, Haryana.

H.S. Grewal, J.(Oral)

1. The present revision petition has been filed against the order dated 19.09.2024 passed by Id. Principal Magistrate, Juvenile Justice Board, Kaithal whereby the bail application filed by the petitioner has been dismissed and order dated 18.10.2024 passed by the Id. Additional Sessions Judge, Kaithal whereby appeal filed by the petitioner has also been dismissed.
2. The case of the prosecution is that petitioner along with his co-accused have actively participated in committing murder of Anshul, the son of the complainant. It is further alleged that in extra judicial confession, co-child-in-conflict namely Dixit stated that the petitioner gave two cement block blows on the head of the deceased.

**CRR-2181-2024****-2-**

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and has been falsely implicated in the present case only on the basis of extra judicial confession suffered by juvenile child-in-conflict. The petitioner is in custody since 23.05.2024 and is facing trial before the Juvenile Justice Board. He further submits that the petitioner is a sincere and never been involved in any criminal activities. He further submits that the maximum sentence that can be awarded to a juvenile is three year as per Section 18 of the Juvenile Justice Act. However, the petitioner is in custody for the last 01 year 01 month and 30 days as of today. He further submits that as per Section 12 of Juvenile Justice Act a juvenile is entitled to bail as a matter of right provided that if enlarged on bail, the juvenile would not be exposed to moral or physical danger.

4. Learned State counsel has vehemently opposes the prayer made by the learned counsel for the petitioner on the ground that allegations against the petitioner are very serious in nature. He has not disputed the fact the petitioner is in custody for the last 01 year 01 month and 30 days.

5. I have heard the learned counsel for the parties.

6. Section 12 of the Juvenile Justice Act, provides for a non-obstante clause for governing the provisions of bail to a juvenile. Ordinarily bail should be granted to a juvenile who is a child-in-conflict with law but as per the proviso of Section-12 of the Juvenile Justice Act the bail can be denied only due to strong and extreme reasons.



CRR-2181-2024

-3-

7. Keeping in view the above, this Court is of the considered view that the present petition deserves to be allowed considering custody of more than one year pertaining to the present petitioner. Consequently, the present petition is allowed. Therefore, the order 19.09.2024 passed by Id. Principal Magistrate, Juvenile Justice Board, Kaithal and order dated 18.10.2024 passed by the Id. Additional Sessions Judge, Kaithal are hereby set aside. The petitioner is ordered to be released on bail to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur/Duty Magistrate concerned.

8. It is clarified that if on bail so granted through the instant order, the applicant is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

9. However, anything observed hereinabove shall not have any bearing on the merits of the case.

29.08.2025
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(H.S.GREWAL)
JUDGE

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