



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(210)

CRA-S-3667-2024(O&M)
DATE OF DECISION: 19.09.2025

KXXXXXX

.....Appellant

VERSUS

State of U.T, Chandigarh

.....Respondent

CORAM HON'BLE MR.JUSTICE H.S.GREWAL

Present Mr.Amit Kumar, Advocate, for the appellant.
Mr. Arav Gupta, APP, UT, Chandigarh.

H.S.GREWAL, J (ORAL)

CRM-31987-2025

CRM is for placing on record copy of examination-in-chief and cross examination of sole eye witness as Annexure P-5.

Allowed, as prayed for.

Annexure P-5 is taken on record, subject to all just exceptions.

CRA-S-3667-2024

1. The present criminal appeal has been filed against the order dated 24.10.2024 passed by learned Additional Sessions Judge – cum – Children Court, Chandigarh (exercising powers of Children's Court) wherein petition under Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 for grant of regular bail to the petitioner in case FIR No.37 dated 23.02.2023, under Section 307 IPC and added Section 302 read with Section 34 IPC, registered at Police Station Sector 11, Chandigarh was dismissed.
2. The case of the prosecution is that on 23.02.2023 complainant Monu gave a statement to police that on 23.02.2023 his son left home to meet his friend at Sector 24, Chandigarh. After sometime, someone informed him telephonically that his son was injured near Saini Bhawan, Sector 24,



Chandigarh and was taken to General Hospital, Sector 16, Chandigarh in an ambulance. Later on, his son was referred to PGI, Chandigarh, where he came to know main accused Rohit along with the appellant and one Tarun had stabbed the deceased namely Lavish to death and doctors at PGI, Chandigarh declared Lavish dead.

3. Learned counsel for the appellant submits that the appellant is a juvenile and has been falsely implicated in the present case. No specific role is attributed to the appellant/child-in-conflict with law. The appellant is in custody since 25.02.2023 and is facing trial before the Juvenile Justice Board. He further submits that the appellant is a sincere person and has never been involved in any criminal activities. He further submits that the maximum sentence that can be awarded to a juvenile is three years as per Section 18 of the Juvenile Justice Act. However, the appellant is in custody for the last more than 02 years. 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 opposed the prayer made by the learned counsel for the appellant on the ground that allegations against the appellant are very serious in nature. Learned State counsel has not disputed the fact the appellant is in custody for the last more than 02 years.

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.

7. Keeping in view the above and also the fact that all the parties involved are juvenile in this case. Complainant namely Monu and eye witness Lucky while deposing in Court have not recognized the present petitioner and have not identified them in Court and have also stated that from the present petitioner no recovery has taken place before this witness. Moreover he has undergone two years and seven months as of today and out of 30 witnesses 12 have been examined so far, this Court is of the considered view that the present appeal deserves to be allowed considering custody of more than two years pertaining to the present appellant. Consequently, the present appeal is allowed. Therefore, the order dated 24.10.2024 of learned Additional Sessions Judge – cum – Children Court, Chandigarh (exercising powers of Children’s Court) is hereby set aside. The appellant is ordered to be released on bail to the satisfaction of the concerned Principal Magistrate, Juvenile Justice Board/Duty Magistrate.

8. It is clarified that if on bail so granted through the instant order, the appellant is found indulging in any other criminal activity, 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.

19.09.2025
mamta

(H.S.GREWAL)
JUDGE

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