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

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Date of decision: 04.11.2025

PXXXX through Gurmeet Singh

...Petitioner

V/s

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.S. Narula, Senior Advocate with
Mr. Gurinder Singh Dhillon, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.
Mr. Imran Mohammad, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. The petitioner, child-in-conflict-with-law (hereinafter referred to as 'CCL') has filed the present revision petition challenging the order dated 04.08.2025 passed by learned Principal Magistrate, Juvenile Justice Board, Kaithal (hereinafter referred to as 'Juvenile Justice Board') and the order dated 22.08.2025 passed by learned Additional Sessions Judge, Kaithal. By way of impugned orders the prayer made on behalf of the CCL for grant of bail has been dismissed.

2. The gravamen of the FIR in question reflects that on 14.06.2025, the police received information that Jaimal Singh son of Ashok Kumar was admitted to Civil Hospital, Guhla having suffered injuries in a fight and was later referred to a higher centre for further treatment. Subsequently, the police was informed by Rajindra Hospital, Patiala that Jaimal had died during the course of treatment. Thereafter, the father of the

deceased namely Ashok Kumar got his statement recorded to the effect that

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he is labourer and has two children. His deceased son namely Jaimal Singh was aged about 18 years and had been in contact with a girl namely Kajal daughter of Nirmal Singh, his neighbour. Minor altercation had also taken place between the families on this issue but the same was amicably settled. However, Nirmal Singh and his brother Chhinda remained inimical towards Jaimal and had recently threatened to kill him. On 13.06.2025 at about 11:00 PM, Vikram alias Vicky came to the house of the complainant and took his deceased son Jaimal out for a walk. The complainant felt suspicious and he moved out of his house to look for his son namely Jaimal and followed towards the Government School where around 11:15 PM he saw his deceased son Jaimal being attacked by Sunny, PXXX (petitioner herein), Vikram alias Vicky and Chhinda, who assaulted him with knives and a sugarcane cutting tool. On seeing the complainant, the assailants fled with their respective weapons. The complainant alongwith his family members took the injured Jaimal to the Civil Hospital at Guhla for treatment from where he was referred to Rajindra Hospital, Patiala but he succumbed to his injuries. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that petitioner has no direct or indirect connection with the alleged offence. There is no recovery of any weapon nor any material evidence linking him to the crime. According to learned counsel, the petitioner has been implicated solely on the testimony of the complainant which is not corroborated by any independent witness.

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Learned counsel has further submitted that there are no specific allegations against the petitioner and the trial of the case will take a long time and no useful purpose would be served if the petitioner is further kept in the observation home. It has been further contended that the petitioner is a juvenile aged 17 years and 04 months at the time of the alleged occurrence as per his date of birth i.e. 19.02.2007 and keeping him in the observation home will have an adverse impact on him and resultantly will gravely affect his future prospects. According to the learned counsel, both the Courts below have not appreciated the Social Information Report (SIR) in the right perspective and passed the impugned orders in a hasty manner without considering the settled principles of law. Learned counsel, while relying upon the statutory provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has argued that the petitioner ought to have been released on regular bail in the facts and circumstances of the case. On the basis of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of instant petition by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has iterated that the petitioner has participated in the commission of the alleged offence. In light of the seriousness of the allegations and the *prima facie* evidence, the grant of bail at this stage would not be in the interest of justice. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard counsel for the parties and have gone through the available records of the case.



6. It would be apposite to refer herein to a judgment of this Court passed in **CRR-2876-2023** titled as **Jatin vs. State of Haryana**, decided on 30.01.2024; relevant whereof reads as under:-

“10. As an epilogue to above discussion the principles of law that emerge are as follows:

(I) Ordinarily, a CCL will be entitled to bail under Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2015 except wherein:

(i) There appears to be reasonable grounds that such release is likely to bring the CCL into association with any known criminal; or

(ii) There appears to be reasonable grounds that release of such CCL may expose him/her to moral/physical/psychological danger; or

(iii) Such release would defeat the ends of justice.

For a Board to hold that a given case falls under above-said three exceptions, the Board is required to rely upon tangible material to so hold and mere apprehension would not suffice to decline bail.

(II) The gravity/seriousness of an offence shall by itself not be a reason for rejection of bail of a CCL unless it is shown that such release would defeat the “ends of justice.”

For instance; wherein a CCL is alleged to be involved in a gruesome murder or a barbaric sexual assault or serious terrorist/anti-national activity(s); the Board may be justified in declining such release since release would defeat the “ends of justice”. These situations are illustrative in nature as it neither desirable nor possible to exhaustively enumerate all such situations and each case is required to be considered by the Board in its own facts/circumstances.

(III) The Board while considering a plea for bail by CCL, shall obtain and look into the SIR (Social Investigation Report) obtained in terms of Section 8 of 2015 Act as also the attending circumstances of the case in hand such as status of the family members of the CCL, the atmosphere around the ordinary residence of the CCL, educational background of the CCL as also his family members etc. These factors are only illustrative in nature as it is neither possible nor desirable to exhaustively enumerate such like factors.

(IV) The Board, in case of rejection of bail of CCL on the basis of exceptions contained in proviso to Section 12(1) of the 2015 Act, is bound

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to accord reasons and briefly give the circumstances that have led to such rejections.

(V) An earnest effort ought to be made by the Board in expeditious decision of a plea for bail made on behalf of CCL and there should not be an inordinate delay in obtaining the SIR etc. since the matter pertaining to a CCL deserves to be dealt with exercising sensitivity, care and caution."

7. The case set up against the CCL (who was aged about 17 years and 04 months on the date of alleged offence) is commission of offence under Sections 103(1) and 61(2) of the BNS. The allegation against the petitioner is general and omnibus in nature resting solely upon the statement of the complainant without any independent corroboration. In the present case, both the Courts below have dismissed the bail application and appeal respectively without recording any concrete findings. It is worth noting herein that the petitioner has been produced before the Investigating Officer by his father soon after registration of the FIR and has also cooperated throughout the investigation. After completion of investigation qua the petitioner, final report has been presented against the CCL on 01.08.2025 but the investigation against the other co-accused is still continuing. Thus, the culmination of the trial/enquiry will take its own time. Furthermore, there is no tangible material available on record to indicate that there is likelihood of the CCL coming into association with any known criminal or his being exposed to moral/physical/psychological danger. The Social Investigation Report submitted in the matter shows that the date of birth of the petitioner is 19.02.2007. The CCL was residing with his parents alongwith his sibling. The CCL has studied upto 12th class. The habits of CCL are reading books & is shown to harbour normal attitude towards religion and his family members. As per the SIR, the reason for involvement

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of CCL in the alleged offence is peer group and bad elements influence. As per the Social Investigation Report, the CCL has not been found involved in any other criminal case. The CCL has not been used by any gangs or adults or group of adults or has been used for drug peddling; the CCL has not been subjected to any form of abuse; CCL is not a victim of any offence & that the CCL has never been involved in any kind of illegal activities. The learned JJB, Kaithal as also the learned Additional Sessions Judge, Kaithal appear to have rejected the bail of the CCL in question on the ground of the allegations against him being serious & there is apprehension that if released on bail, the petitioner may abscond. However, these findings appear to have been recorded on a mere apprehension and without any material/basis on record. On the contrary, a perusal of the Social Information Report reflects that it would be in the fitness of the things especially the overall interest of the CCL that he is released on bail. The mere nature of the offence alleged to have been committed by the CCL does not make it a case calling for rejection of the bail so as to preserve the ends of justice. Moreover, the CCL-petitioner is of tender age and being in custody for a prolonged period is detrimental to the petitioner's mental and emotional well being. Moreover, the petitioner-CCL has no previous criminal record or history of deviant behavior and his continued incarceration may affect his moral character; jeopardize his career prospects and he may also be rendered jobless forever. Furthermore, denying bail to the CCL-petitioner may lead to an unjust deprivation of the CCL-petitioner's liberty without final adjudication of guilt. This Court is accordingly of the considered opinion,



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that in the facts and circumstances of the case in hand, the petitioner-CCL deserves to be enlarged on bail.

8. Accordingly the present revision petition is allowed and impugned orders dated 04.08.2025 and 22.08.2025 are set-aside. Petitioner-CCL is ordered to be released on bail on his furnishing requisite bail/surety bonds etc. to the satisfaction of concerned CJM/Duty Magistrate.

It is further directed that such concerned CJM/Duty Magistrate shall be at liberty to impose such further condition(s) as deemed appropriate by him/her while releasing the petitioner-CCL on bail.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 04, 2025
Ajay

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