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

CRR No. 2391 of 2024 (O&M)

Reserved on : 08.07.2025

Pronounced on : 10.07.2025

‘A’ (Minor through his father)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. J. S. Thind, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant revision petition has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (*for short ‘the Act, 2015*) challenging the order dated 02.02.2024 passed by the learned Principal Magistrate, Juvenile Justice Board, Hisar (*for short ‘the Board’*), whereby an application filed by the petitioner for grant of regular bail in case arising out of FIR No. 1115 dated 09.10.2023, registered under Sections 148, 149, 323, 302, 324 and 341 of IPC at Police Station HTM Hisar, District Hisar, had been dismissed. The petitioner has also laid challenge to the order dated 17.09.2024, passed by the Court of learned Sessions Judge, Hisar (*hereinafter referred to as ‘the appellate Court’*), whereby the appeal filed by the petitioner against the order of the learned Board had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of the statement got recorded by complainant Dharambir to the effect that on

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08.10.2023, a verbal altercation had taken place between his neighbour Himanshu and his son Suraj. On 09.10.2023, his son Suraj was standing near Surya Nagar crossing gate along with his friends Rohit and Karan, when the petitioner 'A' (who is juvenile in conflict with law) along with co-accused Himanshu and some others persons reached there. They were armed with weapons and they opened an attack upon Suraj and his friends by giving kicks and fist blows. On hearing noises, the complainant was attracted towards the spot and on reaching there, he saw that the assailants were causing injuries to his son and his friends. Within his sight, the juvenile in conflict with law 'V' (name withheld) struck two blows with a knife in the chest of Suraj and then also caused injuries to his friends. The complainant raised clamour and then all the assailants fled away from the spot. Injured Suraj was rushed to the hospital and was declared brought dead. Injured Rohit and Karan were also admitted in the hospital for treatment. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. Co-accused Lovepreet and Aryan were arrested on 11.10.2023. The petitioner and two more juveniles in conflict with law were joined into inquiry on 12.10.2023. They suffered disclosure statements and got recovered two knives used at the time of occurrence. Some other co-accused were also arrested. Investigation now stands completed. *Challan* has been presented.

3. The petitioner along with four other juveniles in conflict with law had moved an application for grant of regular bail, which was dismissed by the Board, vide impugned order dated 02.02.2024 and his appeal against the

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said order was also declined by the appellate Court, vide impugned order dated 17.09.2024.

4. The instant petition has been filed by the petitioner on the grounds and it is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither any specific injury nor any specific role had been attributed to him. The knife allegedly recovered at his instance is not a restricted item and such like knives are easily available in the market. Therefore, this recovery does not connect him with the subject crime. There are no chances of his absconding or tampering with the prosecution evidence. He was a juvenile at the time of occurrence and was entitled to get benefit of bail as a matter of right under the provisions of Section 12 of the Act, 2015. However, while passing the impugned orders, the Courts below did not appreciate these facts and passed cryptic and non-speaking orderS. With these broad submissions, it is urged that the impugned orders are liable to be set aside; the revision petition deserves to be accepted and the petitioner deserves to be extended benefit of bail. To fortify his argument, learned counsel for the petitioner has relied upon the authorities cited as ***Jatin vs. State of Haryana : 2024 (2) RCR (Criminal) 143***, ***Sumit vs. State of Haryana, CRR-1691-2021***, decided on 12.12.2022, ***Sachin @ Suraj vs. State of Haryana, CRA-S-149-2003***, decided on 12.07.2023 and ***Sourav vs. State of Haryana, CRM-M-55100-2023***, decided on 18.12.2023.

5. Written response has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Haryana that the petitioner was not only named in the FIR but specific allegations were also levelled against him. He suffered disclosure statement admitting his participation in

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the crime. The petitioner, by forming membership of an unlawful assembly with co-accused and prosecution of common object thereof, had opened attack upon the victims and had caused injuries with knife on the person of victims Suraj and Karan. The Board and the appellate Court had passed detailed orders denying the concession of bail to the petitioner while considering the fact that the release of the petitioner on bail might bring him in association of bad elements or known criminals or expose him to moral, physical or psychological danger and also that there was danger of retribution by the society. It was also taken into consideration that there were chances of the petitioner's committing similar offences. It is further argued that the release of the petitioner is going to defeat the ends of justice keeping in view the gravity of offences as committed by him. While stressing that the impugned orders do not suffer from any infirmity or illegality, it is urged that the revision petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. It is not in dispute that the petitioner was a Juvenile at the time of commission of the offences in question. The main question that falls for consideration before this Court is that as to whether while passing the impugned orders, the Board and the appellate Court, acted within the four corners of Section 12 of the Act, 2015 or not ? Section 12 of the Act, 2015 postulates rule of grant of bail for every child in conflict with law, who is alleged to have committed a bailable or non-bailable offence, if he/she is apprehended or detained by the police and is being produced before the Board. As per provisions of this section, such child has to be released on bail

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with or without surety As per proviso to this section, such child shall not be released if there appear to be reasonable grounds for believing that his/her release is likely to:-

- Bring that person into association with any known criminal or;
- Expose the said person to moral, physical or psychological danger or;
- The person's release would defeat the ends of justice.

8. From a bare reading of the provision of Section 12 of the Act, 2015, it appears that the intention of the legislature was to grant bail to a juvenile in conflict with law irrespective of the nature or gravity of the offence alleged to have been committed by him and the same can be declined only in cases where reasonable grounds are there 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. It is also well settled by now by a catena of judgments that the gravity of offence alleged to have been committed by a CCL cannot be taken as a ground for rejection of bail under Section 12 of the Act, 2015. Reference in this regard can be made to *Shiv Kumar @ Sadhu vs. State of U.P. : 2010 (1) ACC 616*, *Krishan Kumar vs. State of Haryana : 2020 (2) RCR (criminal) 342* and *Vishal vs. State of Haryana : 2020 (4) RCR (criminal) 475*. Similar observations were made in *Jatin*'s case (supra). It is, thus, clear that for invoking exceptions to Section 12 of the Act, 2015, for declining bail to a CCL, there has to be some material before the competent authority on the basis of which, it can be said that the release of the juvenile would fall within

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the exceptions recognized under Section 12 of the Act, 2015 and that the seriousness of offence as mentioned in the FIR would not be a ground to deny to the juvenile, concession of bail.

9. Now coming to the peculiar facts of the present case. As per the allegations, on 09.10.2023, the petitioner, along with co-accused/juveniles in conflict with law, had formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly had opened an assault upon victim Suraj and his friends Rohit and Karan and had caused injuries to them. The stab wounds sustained by victim Suraj at the hands of the petitioner and co-accused proved fatal and resulted into his death. The social investigation report of the petitioner was filed by the Board and a perusal of the order, passed by the Principal Magistrate of the Board reveals that as per the said report, the petitioner was under peer group influence being a teenager. He had no criminal antecedents. It is not elicited from the order passed by the Board or from the order passed by the appellate Court that the social investigation report, filed qua the petitioner, gave any such information that the release of the petitioner on bail was likely to bring him into association with any known criminal or would expose him to any moral, physical or psychological danger or his release on bail would defeat the ends of justice. Undisputedly, the gravity of the offence and charges has to be seen while granting anticipatory bail or regular bail to an accused, however, in case of grant of bail under the provisions of the Act, 2015, there is complete departure to the same as the ingredients mentioned under Section 12 of the Act, 2015 are to be adhered to in this regard and as discussed above, the merit and nature of the offence is not relevant for the purpose. The basic object of

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the provisions of the Act, 2015 is to provide care, protection, treatment and rehabilitation to juvenile in conflict with law. Undoubtedly, no indefeasible right exists in favour of a CCL for grant of regular bail under the Act, 2015, however, still at the same time, in view of Section 12 of the Act, 2015, ordinarily a juvenile deserves to be enlarged on bail, except in the circumstance as enumerated in the proviso thereof. On considering the orders passed by the Board and the appellate Court on the anvil of the ingredients for grounds of rejecting/granting the bail, I am of the opinion that the social background report, which was taken into consideration for dismissing the prayer made by the petitioner for grant of regular bail, could not be considered to be sufficient to arrive at the conclusion that the release of the petitioner on bail would bring him into association of any known criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice. The Board and the appellate Court without having any material on record to come to the conclusion that the above said ingredients were satisfied, proceeded to decline the prayer of the petitioner in this regard. The observations made therein regarding Section 12 of the Act, 2015 were not based upon any cogent material. The petitioner had been detained on 12.10.2023. In *Sumit*'s case (supra), which has been cited by learned counsel for the petitioner, the benefit of bail was given to CCL after considering the period of incarceration and the social investigation report, which merely suggested causes of the problem as bad company and bad intention but did not say that the petitioner was a hardcore criminal or might go back to the same company, if released on bail. In *Sachin @ Suraj*'s case (supra), the benefit of regular bail was given to a CCL facing inquiry for commission of offence

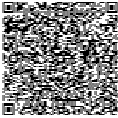
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under Section 302 of IPC by observing that the eye-witness had failed to identify the CCL and also by taking into consideration the period of his incarceration. In *Sourav*'s case (supra), the prayer made by the CCL for grant of bail had been allowed by observing that except the personal opinion expressed by the Children Court, there was nothing to suggest that the petitioner would face wrath and outrage from the members of the society in case he was granted concession of bail. In *Jatin*'s case (supra), benefit of bail was granted to a CCL by observing that the social information report showed that his relationship with his parents and siblings was cordial, his attitude towards his classmates and friends was normal, he himself was not the victim of any offence and that he was living in a normal urban locality.

10. It is not the case of the prosecution that the relationship of the petitioner with his own family members is not normal. There is nothing on record to suggest that his release on bail would bring him into association with any known criminal or expose him to any moral, physical or psychological danger or that would amount to defeating the ends of justice. In the given facts and circumstances, in my considered opinion, the impugned orders rejecting the prayer made by the petitioner are inappropriate as they are not shown to have exercised the jurisdiction vested in them in terms of the object of the Act, 2015. Hence, the impugned orders are liable to be set aside as it would be in the fitness of things and in the interest of the petitioner to release him on bail since the ends of justice cannot be considered to be defeated only keeping in view the nature of the offences. Accordingly, the revision petition is accepted and the impugned orders are set aside. The petitioner is ordered to be released on bail and he be given in the custody of his mother/guardian, on

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her/his filing personal bonds and two sureties of the like amount to the satisfaction of the Court concerned with the undertaking that the mother/guardian shall keep the juvenile away from unsocial and criminal elements, will look after his health, keeping his mental and social status. She/he will also give an undertaking that on being released on bail, she/he will ensure his presence during trial before the Court concerned whenever so required.

11. Office is directed to transmit certified copy of this order to the Court concerned for information and necessary compliance.

10.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No