2025:UHC:10813

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No.281 of 2025

Minor X .....Revisionist

Vs.

State of Uttarakhand …..Respondent

Presence:

Mr. Gaurav Singh, learned counsel for the Revisionist.

Mr. Vipul Painuly, learned AGA, for State of Uttarakhand.

Hon'ble Ashish Naithani, J.

1. The present criminal revision has been instituted by the Juvenile in Conflict with Law challenging the order dated 05.02.2025 passed by the Juvenile Justice Board, Haridwar, and the order dated 22.02.2025 passed by the learned Additional District & Sessions Judge/F.T.C. (POCSO), Haridwar in Criminal Appeal No. 19 of 2025. By these orders, the courts below declined the prayer for bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. As per the material on record, F.I.R. No. 307 of 2024 was lodged on 13.12.2024 at Police Station Khanpur, District Haridwar. The complainant stated that his son had gone missing on 08.12.2024 after leaving home and failed to return. The initial searches being unsuccessful, suspicion arose, and information was provided to the police. During the course of investigation, the dead body of the victim was recovered from an agricultural field, allegedly on the pointing out

of the Revisionist and a co-accused. The inquest proceedings were undertaken, and the body was sent for post-mortem examination.

3. The allegations in the FIR and case diary materials indicate that the death occurred under circumstances that raise serious suspicion and disclose the commission of a heinous offence. The recovery of the deceased's body, the location where it was found, the time lag between disappearance and discovery, and the subsequent conduct attributed to the accused persons form the principal foundation of the prosecution case. The Revisionist was apprehended during investigation, and the Investigating Agency alleges that the conduct of the accused persons was inconsistent with innocence.

4. The Juvenile Justice Board considered the application for bail and recorded findings that the severity of the allegations, the nature of the offence, and the surrounding circumstances indicated that releasing the juvenile at this stage may expose him to undue risks and may not be conducive to his welfare. The Appellate Court, after considering the rival submissions and the materials available in the case diary, affirmed these conclusions and dismissed the appeal seeking bail.

5. Learned counsel for the Revisionist submitted that the juvenile is 18 years of age, a student of Class XII, and has no criminal antecedents. It was urged that he has been falsely implicated and that the entire case rests on conjectures. It was argued that the FIR does not name the juvenile, and that the alleged involvement is based solely on the statement recorded during investigation. Learned counsel contended that the recovery of the dead body from an open and accessible place cannot be treated as incriminating.

6. It was further submitted that the father of the juvenile has undertaken full responsibility for his supervision and has assured that

the juvenile would abide by any condition imposed by this Court. Learned counsel urged that the object of the Juvenile Justice Act is rehabilitation and reintegration, and that detention of the juvenile is counter-productive and detrimental to his best interests.

7. Learned AGA appearing for the State opposed the revision and submitted that the allegations are grave and pertain to an offence involving loss of human life. It was argued that the conduct attributed to the accused persons, their presence in proximity to the spot, the recovery of the body, and the sequence of events reflected in the case diary materials provide sufficient basis to deny bail at this stage.

8. Learned AGA further submitted that the offence falls within the category of heinous offences, carrying severe punishment, and the manner in which the incident unfolded raises concerns regarding the juvenile's influence, associations, and possible exposure to criminal elements. According to learned AGA, releasing the juvenile at this juncture may lead to interference with the investigation, may embolden other accused persons, and may jeopardise the safety of witnesses. It was, therefore, contended that the orders passed by the courts below do not suffer from any illegality or perversity warranting interference.

9. Heard learned counsel for the Parties and perused the records.

10. The statutory framework under Section 12 of the Juvenile Justice Act provides that a juvenile shall ordinarily be released on bail unless the Court is satisfied that such release is likely to expose him to moral, physical or psychological danger, bring him into association with known criminals, or defeat the ends of justice. These considerations are not merely procedural but are substantive safeguards intended to

balance the welfare of the juvenile with the need to ensure that the justice system is not undermined.

11. The allegations in the present case pertain to a heinous offence involving the death of a young boy. The surrounding circumstances of the incident, the period during which the victim remained missing, the location and condition in which the body was found, and the conduct attributed to the accused persons create a serious and grave setting. The nature of the offence and its impact on the family of the victim, as well as on society at large, cannot be minimized.

12. The material placed before the Court indicates that the role of the juvenile in the offence is a matter of serious investigation. The nature of the accusations and the circumstances emerging from the case diary suggest that releasing the juvenile at this stage may expose him to influences not conducive to his reformative prospects and may, in fact, place him at risk of associating with individuals whose involvement in the incident is still under investigation.

13. The first and foremost consideration in bail adjudication under the Juvenile Justice Act is the welfare of the juvenile. However, the welfare principle cannot be interpreted in isolation. It must be harmonised with the statutory bar that applies where release may defeat the ends of justice. In cases of serious and heinous offences, the apprehension that the juvenile may again come into contact with co-accused persons, or that he may be exposed to influences that have a deleterious effect on his moral or psychological well-being, assumes greater significance.

14. The concurrent findings of the Juvenile Justice Board and the Appellate Court indicate that both authorities examined the material on record and concluded that releasing the juvenile would not be conducive to his welfare and may impede the administration of justice.

This Court finds no perversity or illegality in the findings so recorded. The offence alleged is of such gravity and seriousness that the restrictions contemplated under Section 12 are clearly attracted. The concerns expressed by the courts below are neither speculative nor unfounded but find reasonable support in the circumstances of the case.

15. Considering the totality of the material on record, the gravity of the offence, the circumstances of the recovery, the stage of investigation, and the potential risks envisaged under Section 12, this Court is unable to accept the contention that the juvenile should be released on bail at this stage. The revision, therefore, does not merit interference.

ORDER

The criminal revision is dismissed.

The orders dated 05.02.2025 passed by the Juvenile Justice Board, Haridwar, and 22.02.2025 passed by the learned Additional District & Sessions Judge/F.T.C. (POCSO), Haridwar in Criminal Appeal No. 19 of 2025 are affirmed. No ground for interference is made out. All pending applications, if any, stand disposed of.

(Ashish Naithani J.)

Dated:14.11.2025
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