IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.R. No. 497 of 2026 &
Cr.R. No.498 of 2026
Reserved on 14th October, 2026
Decided on 30th October, 2026

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1) Cr.R. No. 497 of 2026

Child in Conflict with Law **…Petitioner**

Versus

State of Himachal Pradesh **…..Respondent**

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2) Cr.R. No.498 of 2026

Child in Conflict with Law **…Petitioner**

Versus

State of Himachal Pradesh **…..Respondent**

Coram
Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
[1]Whether approved for reporting?

For the petitioner(s)	**:**	**Mr K.S. Gill, Advocate, in both the petitions.**
For respondents	**:**	**Mr. Lokender Kutlehria, Additional Advocate General, in both the petitions.**

Chirag Bhanu Singh, Judge

Both the revision petitions are being taken up together for disposal, as they arise out of the common judgment dated 09.07.2026, whereby the bail applications preferred by the two

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[1]Whether reporters of Local Papers may be allowed to see the judgment? Yes

juveniles under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the Act) stands dismissed by the learned Sessions Judge, Sirmaur District, Nahan, HP (learned Appellate Court).

2. The learned Appellate Court had dismissed the appeals preferred by the petitioners against the order dated 16.05.2026 passed by the learned Juvenile Justice Board, Sirmaur, District at Nahan, whereby, an applications under Section 12 of the Act, seeking release of the child-in-conflict with law had been dismissed.

3. The genesis giving rise to the present petition may be succinctly summarized thus. On 22.02.2025, a secret information had been received by the SIU Nahan that some persons involved in the sale and purchase of narcotics was proceeding towards Paonta Sahib. At about 10:20 AM, the two children-in-conflict with law were noticed coming in a motorcycle bearing Registration No. UK 16C 2210. One of the juveniles had disclosed his name as Soheb Khan, while the other had disclosed his name as Sakib Shah. Both are residents of Jeewangarh, Vikashnagar, (UK).

4. On the basis of the suspicion, the police had searched them after following the codal formalities and were found to have

been in possession of 323 grams of heroin (Chitta), in a blue bag hanging around one of the juveniles, namely Soheb Khan.

5. Consequently, the juveniles had preferred applications under Section 12 of the Act, however, their applications were dismissed by the learned Juvenile Justice Board on 16.05.2026. An appeal having been filed thereupon also came to be dismissed vide the impugned order dated 09.07.2026 and hence the present revision.

6. By way of the present revision petitions, the petitioners have ***inter alia*** challenged the orders passed by the learned Appellate Court on the ground that the learned Courts below have failed to appreciate the provisions of Section 12 of the Act, whereby grant of bail is a rule and the refusal thereof an exception. The juveniles were thus liable to be released on bail. The only exception being that they could not have been released if there were reasonable grounds of believing that their release were likely to bring the person into association with criminals and would expose the juveniles to moral, physical or psychological danger. There was nothing on record to prove that their release were likely to bring the juveniles into association with any known criminal. The incarceration

of the juvenile is thus stated to be in stark violation/provisions of the Act.

7. The learned counsel for the petitioner(s) would thus contend that the present revisions be allowed, the impugned order dated 16.05.2026 be quashed and set aside and the petitioner(s) be ordered to be released on bail.

8. Admittedly, the two juveniles (child-in-conflict with law), keeping in view their respective ages had come to be apprehended with 323 grams of heroin (Chitta), though the bag in which the contraband was recovered was found hanging around the neck of one of the juveniles Soheb Khan. The other accused-juvenile Sakib Khan was only accompanying him on the motercycle. The quantity of contraband admittedly was “Commercial” being more than 250 grams.

9. The learned Courts below declined relief on the premise that not only “commercial quantity” of contraband was recovered, but since six other accused had been arrested, the juveniles were a part of an organized racket. The status report further reflected that the mother of one of the juveniles was allegedly involved in multiple criminal cases under the NDPS Act and the Arms Act, and one of

his brothers was also reported to be a history-sheeter. The learned First Appellate Court thus held that the material placed on record clearly suggested that there were chances of the juvenile being associated with known criminals and there were further chances of their coming into contact with the hardened criminals, who were a part of the alleged narcotic network and as such, the petitioners were not entitled to the discretion of bail as per the proviso of Section 12 of the Act.

10. It would be apposite to refer to Section 12 of the JJ Act, which reads thus;

> ***"12. Bail to a person who is apparently a child alleged to be in conflict with law.***
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> ***(1)When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:***
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> ***Provided that such person shall not be so released if there appears reasonable grounds for believing that the 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, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2)When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(3)When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4)When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail."

11. The bare reading of the aforesaid Section shows that invariably, a juvenile has to be released on bail, though subject to the provisions of sub-section (1) of Section 12, which *inter alia* postulates that the juvenile shall not be released, if there are reasonable grounds of believing that the release was likely to bring

the person into association with criminals or would expose the juvenile to moral, physical or psychological danger or the juveniles' release would defeat the ends of justice. So is the mandate of law laid down by the Hon'ble Supreme Court in ***Juvenile in Conflict with Law V vs. State of Rajasthan and Another (2024 SCC Online SC 5297)***.

12. So is one of the judgments of our own Hon'ble Court, titled as ***ABC vs. State of HP, Cr. Revision No. 452 of 2025, decided on 24.12.2025***.

13. Viewed in the aforesaid perspective, it explicitly comes to the fore that one of the juveniles, namely Sakib Shah, was neither found in conscious and exclusive possession of the contraband, as the bag in which the contraband was recovered was found hanging around the neck of the other juvenile Soheb Khan. Moreover, as per the material placed on record, the apprehension of the juvenile being exposed to known criminals also has been reported in respect of juvenile Soheb Khan, as his mother is reported to be involved in multiple criminal cases under the NDPS Act and Arms Act and one of his brothers was also stated to be a history-sheeter. However, there is no such report vis-à-vis the other juvenile, Sakib Shah.

14. Seeing to the totality of circumstances discussed above and which have also been duly recorded by the learned First Appellate Court since other accuseds have also been arrested in respect of the said crime, the alleged occurrence being a part of an organized chain of illicit trafficking cannot be ruled out and keeping in view the antecedents of the mother and brother of one of the juveniles, Soheb Khan, there is likelihood that his release would bring him into association with criminals, his own mother being involved in multiple cases under the NDPS Act itself. His detention in the Correctional Home rather would augur to his own benefit.

15. However, there is no material on record to show that there are any chances of the juvenile Sakib Shah going into the association of known criminals. His incarceration thus is in violation to the provisions of Section 12(1) of the JJ Act and cannot be sustained.

16. For all the reasons discussed hereinabove, the criminal revision pertaining to juvenile Sakib Shah is allowed and the order of the learned First Appellate Court qua CCL Sakib Shah is quashed and set aside and he is ordered to be released on bail subject to the following conditions;

(i) Natural guardian/father will furnish an undertaking that upon release of the CCL on bail, he will not permit him to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger.

ii) Natural guardian/father will ensure that the juvenile will not repeat the offence.

(iii) Natural guardian/father will further furnish an undertaking to the effect that the CCL will pursue his studies at the appropriate level.

(iv) CCL as well as the natural guardian/ father will report to the Probation Officer on any one of day of the first week every month commencing from November, 2026.

(v) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the concerned Juvenile Justice Board on such a periodical basis as the Juvenile Justice Board may determine.

17. The petition stands accordingly disposed of. A copy of this order be sent to the Observation Home-cum-Special Home-Cum-Place of Safety Heeranagar, District Shimla, H.P. and the

learned Trial Court by **FASTER.**

18. The revision of the other juvenile i.e. CCL Soheb Khan is however dismissed.

19. With these observations, the petitions stand disposed of, so also the pending application(s), if any.

20. Any of the observations made herein above shall not be taken as an expression of opinion on the merits of the case as these observations are confined only to the disposal of the present petition.

21. Records be returned to the quarter concerned under proper receipt.

(Chirag Bhanu Singh)
Judge

30.10.2026
(Ritu)

RITU RANI Digitally signed by RITU RANI Date: 2026.10.30 18:10:26 +0545