

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026 PHHC-073739



CRR-123-2026 (O&M)
Date of Decision: 11.05.2026

AXXXX ALIAS PXXX

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present- Mr. Ritesh Pandey, Advocate for the petitioner.
Mr. Sandeep Kumar, D.A.G., Punjab.

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H.S. GREWAL, J. (ORAL)

1. The petitioner is aggrieved by the impugned order dated 01.11.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur under Section 12 of the Juvenile Justice (Care and Protection of Children Act) vide which the bail application of the petitioner has been declined and the judgment dated 28.11.2025 passed by learned Sessions Judge, Gurdaspur vide which the appeal of the petitioner against the order dated 01.11.2025 has been dismissed.

2. The allegations against the petitioner are that petitioner along with his co-accused has given injuries to one Sahil Masih and dismembered his body and buried the dead body in his house.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and has been falsely implicated in the present case. The petitioner is aged between 16 to 17 years. He is in custody since 14.06.2025. He further submits that as per Section 12 of Juvenile Justice (Care and Protection of Children 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 petitioner on the ground that allegations against the

petitioner are very serious in nature. However, learned State counsel could not dispute the fact that the petitioner is in custody since 14.06.2025.

5. I have heard learned counsel for the parties and gone through the record.

6. Section 12 of the Juvenile Justice (Care and Protection of Children 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 proviso of Section-12 of the Juvenile Justice (Care and Protection of Children Act) the bail can be denied only due to strong and extreme reasons.

7. Keeping in view the above and the fact that it emerges from the social investigation report that there is no apprehension of petitioner’s joining any anti social elements, therefore, the present petition is allowed and the orders dated 01.11.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur and the judgment dated 28.11.2025 passed by learned Sessions Judge, Gurdaspur are hereby set aside. The petitioner 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 while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, 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.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.05.2026
Janki

(H.S.GREWAL)
JUDGE

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