

CRR No.364 of 2026 (O&M) and others connected cases

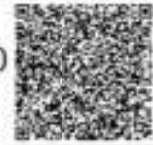
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Reserved on: 26.05.2026
Pronounced on:29.05.2026
Uploaded on:29.05.2026**

(1) CRR No.364 of 2026(O&M)

Rxxxxxx

2026:PHHC:085040



..Revisionist

Versus

State of Haryana and Another

..Respondent

(2) CRR No. 153 of 2026 (O&M)

Sxxxxxxx

2026:PHHC:085041



..Revisionist

Versus

State of Haryana and Another

..Respondent

(3) CRR No. 643 of 2026 (O&M)

Vxxxxxxx

2026:PHHC:085044



..Revisionist

Versus

State of Haryana and Another

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Vishvajeet Singh Panwar, Advocate (through V.C)
Mr. Vikas Kumar Sharma, Advocate and
Mr. Rohit Pasricha, Advocate
for the revisionist in CRR-364 of 2026.

Mr. Parminder Singh, Advocate
for the revisionist in CRR-153-2026.

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Mr. Raj Kumar Chauhaan, Advocate
for the revisionist in CRR-643-2026.

Mr. Kshitij Bharti, AAG Haryana.

None for respondent No.2.

SHALINI SINGH NAGPAL, J.

1. This common order determines three revision petitions detailed above, filed by CCLs 'R' 'S' and 'V' challenging orders dated 10.12.2025 and 23.01.2026 of learned Additional Sessions Judge/Fast Track Special Court (POCSO) Karnal, in appeal against orders dated 18.09.2025, 15.10.2025, 01.11.2025 of learned Principal Magistrate, Juvenile Justice Board, Karnal, declining regular bail.

2. The facts per FIR:

Umesh Kumar, Chairman, Child Welfare Committee, Karnal made a complaint stating that he had gone to Ansal Town for some work where he saw a girl child eating soil. The child appeared to be pregnant. When he made enquiry, her mother came out from the hut. She informed that the girl was blind and mentally challenged. Further, that wrong act was committed with her in a nearby park and one of the boys was 'R' who lived in Gopi Wali Gamri Dera Ansal. Mother of the boy had threatened her (mother of the victim) against lodging complaint. He immediately called counsellor Jyoti from MDD Bal Bhawan who made enquiries from the girl child and took the child for medical examination. The girl child neither had any aadhar card nor birth certificate and did not ever go to school. From physical appearance, she was declared CNCP (Child Need Care and

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Protection). As per provisions, Section 2(14), 4, 8 of Juvenile Justice Act, SHO Police Station City was directed to register FIR and take action.

3. Applications for regular bail of the CCLs were moved before learned Principal Magistrate, Juvenile Justice Board, Karnal, who considered the social investigation report and considering the gravity of offence, nature of role attributed to the CCLs as also the fact that prime witnesses of the case were yet to be examined, held that release of CCLs from custody would defeat the ends of justice and may expose them to physical and psychological danger. The prayer for bail was declined.

4. The order of learned Principal Magistrate, Juvenile Justice Board, Karnal was challenged by the CCLs in appeal before learned Additional Sessions Judge/Fast track Special Court (POSCO) Karnal. The appeal too was declined observing that learned Principal Magistrate, Juvenile Justice Board, Karnal made no error in declining the prayer for bail.

5. Learned counsel for CCL 'R' submits that the CCL was confined in place of safety Madhuban, Karnal, for the last more than 10 months. He was denied bail in routine manner. Seriousness and sensitivity of offence could not be a ground to deny bail and such considerations were extraneous to the statutory scheme of Section 12 of J.J. Act. No material was referred by learned Principal Magistrate, Juvenile Justice Board, Karnal, to justify the inference. Learned Additional Sessions Judge, too mechanically affirmed the order without examining the same in the light of Section 12 of J.J. Act. The date of occurrence as stated by the prosecutrix was inconsistent with the foetus age. The DNA report was not placed on record. Allegations against the revisionist were vague and non-specific. The victim had since

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been examined before the Juvenile Justice Board. Her statement was that the person who committed the offence was one 'Suman'. It was urged that learned Principal Magistrate, Juvenile Justice Board, Karnal and learned Appellate Court erred in refusing regular bail to the CCL. In view of the mandatory provision of Sections 12 of Juvenile Justice Act, 2015 (for short 'J.J. Act') bail could not be denied to a CCL on factors such as gravity of offence, pendency of trial and impact of the offence on the victim. There were material contradictions in version of the prosecutrix and no specific roles were attributed. There was unexplained delay in registration of FIR. No evidence was collected to prove age of the prosecutrix. Thus, considering the legislative intent behind Section 12 of J.J. Act, the orders of learned Principal Magistrate, Juvenile Justice Board, Karnal and the Appellate Court were liable to be set aside as no exceptional circumstances were made out to decline the concession of bail.

6. On behalf of CCL 'S', his counsel argued that the CCL was not named in the FIR, he was nominated on the basis of disclosure statement of CCL 'R', which was not admissible. Prosecutrix had poor eye vision and was of unsound mind. She disclosed only the name of CCL 'R'. There was unexplained delay in lodging the FIR. No evidence to show that prosecutrix was minor was collected. Social investigation report of CCL proved that he was disciplined and had no past history of any kind. CCL 'S' who was falsely entangled in the FIR, deserved bail.

7. On behalf of CCL 'V', his counsel argued that he was not named in the FIR and was nominated as accused as per disclosure statement of CCL 'R', which was not admissible. Investigation of the case was

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complete and challan had been presented. CCL 'V' being a juvenile was entitled to the benefit of provisions of Juvenile Justice Act, which mandated bail to a Juvenile except in exceptional cases.

8. Learned State counsel has argued in support of orders passed by learned Principal Magistrate, Juvenile Justice Board, Karnal, affirmed in appeal by learned Additional Sessions Judge, arguing that prosecutrix was a minor, mentally challenged child who was blind as well. It was urged that the repeated sexual assault on the minor victim led to her pregnancy. Though, the victim could not name any of the petitioners, she had identified them by their voice. 4 witnesses out of 19 were examined and release of the petitioners on regular bail, on such grave and serious allegations would defeat the ends of justice. It was thus prayed that the revision petitions be dismissed.

9. Respondent No.2 is served but has not appeared to contest the petitions.

10. There is no dispute that revisionists were all less than 18 years of age on the alleged date of commission of offence.

11. Section 12 (1) of the Act of 2015, reads as under:-

12. Bail of juvenile

‘(1)When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) 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 institution or fit person][Inserted by Act 33 of 2006, Section 10 (w.e.f. 22.8.2006).]but he shall not be so released if there

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appear reasonable grounds 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.'

12. The term “ends of justice” has been considered by hon'ble Supreme Court in ***Essa @ Anjum Abdul Razak Memon (A-3) vs. The State of Maharashtra, through STF, CBI Mumbai, 2013 (13) SCC 456***, wherein it was observed as under:-

“373) Ends of justice has not been defined in any statute, however, this expression “ends of justice” has been used in the Constitution of India under Article 139-A(2) that the Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court. Article 142 of the Constitution empowers this Court to pass an order which may be necessary for doing complete justice in any case or matter pending. Section 151 of the Code of Civil Procedure 1908 confers unlimited inherent powers on the court to make such orders as may be necessary for the ends of justice.

Section 482 of the Code confers inherent power upon the High Court to pass an order as may be necessary to secure the ends of justice. The words in Section 151 of CPC to “secure the” seems to be more powerful then the term to meet the ends of justice as the former is of unfathomable limits.

*374) It has always been the subject matter of debate as what does the words “the ends of justice” mean, for the reason “that it is one of those questions to which the resigned wisdom applies that man cannot find a definitive answer, but can only try to improve the question”. (Vide: **L. Vijay Kumar vs. Public Prosecutor, A.P., AIR 1978 SC 1485**).*

*375) In **Delhi Development Authority vs. Skipper Construction Co. (P) Ltd. and Another, AIR 1996 SC 2005**,*

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this Court observed that it is advisable to leave the power undefined and uncatalogued, so that it remains elastic enough to be moulded to suit the given situation.

*376) While dealing with such an issue, the court must not lose sight of the fact that meaning of “ends of justice” essentially refers to justice to all the parties. This phrase refers to the best interest of the public within the four corners of the statute. In fact, it means preservation of proper balance between the Constitutional/Statutory rights of an individual and rights of the people at large to have the law enforced. The “ends of justice” does not mean vague and indeterminate notions of justice, but justice according to the law of the land. (Vide: **State Bank of Patiala & Ors. vs. S.K. Sharma, AIR 1996 SC 1669; and Mahadev Govind Gharge & Ors. vs. The Special Land Acquisition Officer, Upper Krishna Project, Jamkhandi, Karnataka, (2011) 6 SCC 321**)*

377) Thus, the law has to be interpreted in such a manner that it develops coherently in accordance with the principles, so as to serve, even-handedly, the ends of justice.

13. A Coordinate Bench of this court in **XXX vs. State of Haryana (CRR No.2876 of 2023, decided on 30.01.2024)** has observed as under:-

9.3 The Hon’ble Supreme Court in the judgment of Essa @ Anjum Abdul Razak Memon’s case (supra) has extensively dealt with the meaning of words “ends of justice” and has enunciated that the same has to be interpreted in a manner so that it serves justice, even handedly, to all concerned parties including the CCL in question, victim and his/her family as also the prosecution apart from public at large. The provision of Section 12 of the 2015 Act does assuredly intend to indicate that ordinarily the CCL deserves to be enlarged on bail, subject to the stipulations contained in the proviso to Section 12 of the 2015 Act, but there may be situations where “ends of justice” would require that such a CCL is not released on bail. In a given case, the offence(s) alleged to have been

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committed by a CCL may be of a nature/kind which may rattle the conscience of a Court and in such facts it may be imperative to decline bail to such CCL to preserve the “ends of justice.” For instance; a CCL may be alleged to be involved in a gruesome murder or a barbaric sexual assault or anti national activity of a kind which has put security and sovereignty of the country to peril or the act/offence by such CCL may be of a nature tearing into the social fabric of the society. In such like cases, it would be appropriate to decline bail to such CCL on account of the nature of such alleged act/offence(s) keeping in view that grant of bail would result in “defeating the ends of justice.” It is no conundrum that it is neither possible nor desirable to exhaustively enumerate such like situations & hence it would be appropriate to leave it to the judicial discretion of the Board. This Court must hasten to add herein, a word of caution, that the above said concept of “ends of justice” available in statute for declining bail to CCL must be judiciously and sensitively employed if the facts/circumstances of a case so warrant. The mere fact that a CCL is alleged to have committed a serious offence will, ipso facto, not result in declining of bail to such CCL unless attending circumstances make it imperative to hold that such release would defeat the “ends of justice.”

14. Hon'ble Supreme Court of India in ***Om Parkash vs. State of Rajasthan and another, 2012(2) RCR (Criminal), 770*** has cautioned that the courts must be sensitive in dealing with the juvenile who is involved in cases of serious nature like sexual molestation, rape, gang rape, murder and host of other offences.

15. Thus, the word 'ends of justice' is of wide import, it cannot be circumscribed in a narrow compass. Justice is not a one sided term. The Act of 2015, indeed is a beneficial legislation intended for reformation of the

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juvenile/child-in-conflict with law. However, while considering grant of bail to a juvenile, the court is required to consider all surrounding facts and circumstances of the case and not merely beneficial object of the legislation.

16. The victim in the case is a mentally challenged, blind minor girl. The offence has been reported by Chairman of Child Welfare Committee, who found her pregnant, eating soil and declared her a child in need and care of protection. Upon medical examination, she was found pregnant. Name of CCL 'R' is disclosed in the FIR whereas names of CCL 'S' and 'V' have surfaced in the disclosure of co-accused. Prosecutrix has since been examined and has supported the prosecution case, identifying the three CCLs by voice. The offence allegedly committed is grave and heinous and shakes the judicial conscience of the Court. Even though gravity of the offence is alone not sufficient to decline bail, in the wake of all attendant facts and circumstances of the case, release of the revisionists on bail would certainly defeat the ends of justice. Thus, the CCLs do not deserve the concession of bail, notwithstanding the period of incarceration in place of safety. Orders 18.09.2025, 15.10.2025, 01.11.2025 of learned Principal Magistrate, Juvenile Justice Board, Karnal and orders dated 10.12.2025 and 23.01.2026 of learned Additional Sessions Judge/Fast Track Special Court (POCSO) Karnal, in appeal are found in order and do not call for interference.

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17. The revision petitions are dismissed.
18. All the pending miscellaneous applications, if any, stand disposed of.

Photocopy of this order be placed on the files of other connected cases.

(SHALINI SINGH NAGPAL)
JUDGE

29.05.2026

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No