



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRR No.657 of 2026 (O&M)

Date of Decision: 08.05.2026

JXXXXX

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. RDS Bhullar, Advocate for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

. This is a revision petition, against the judgment/order dated 02.02.2026, passed by the learned Additional Sessions Judge Faridkot, hereinafter being referred to as 'Appellate Court' only, passed in an appeal. The abovesaid appeal in the Court of Sessions was filed by the petitioner against the order dated 21.12.2025, passed by learned Juvenile Justice Board, Faridkot.

2. In nut-shell the facts emerging from record are that, that one FIR No.251 dated 22.10.2025 for the commission of offence Punishable under Sections 103(1), 109, 351(2), 61(2), 191(3), 190 of Bharatiya Nyaya Sanhita 2023, and Section 25, 27, 54, 59 of Arms Act, was lodged in Police Station City Kotkapura. With regard to above mentioned FIR the petitioner who is a juvenile, hereinafter being referred to as 'petitioner' only has been prosecuted and the application for bail filed by the petitioner was dismissed by the learned Juvenile Justice Board, Faridkot, vide order dated 02.12.2025. Being



aggrieved of order dated 02.12.2025, the petitioner filed an appeal and the same was dealt with by the learned Additional Sessions Judge, Faridkot. The above mentioned appeal has been dismissed by virtue of order dated 02.02.2026.

3. The above mentioned FIR came into being at the instance of 'Naresh Kumar', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 22.10.2025 at about 7.30 P.M. he along with his cousin 'Lalit Kumar' and 'Khem Chand' was selling fire crackers at his stall, where four young boys came on a motorcycle. As per complainant one of them namely 'Ladi Nihang @ Jaspreet Singh' was known to him. The complainant further alleged that 'Ladi' was carrying a revolver, and three persons, accompanying him, were armed with swords. The above named complainant further stated that they exhorted to teach a lesson and then launched an attack upon them. As per complainant 'Ladi Nihang' fired a gunshot with an intention to kill him, which injured him. According to complainant he as well as his cousin ran away from the spot, whereas the assailants left the spot on their motorcycle, and that he was got admitted in the hospital.

4. It is the case of the prosecution that later on the complainant 'Naresh Kumar' passed away on 23.10.2025, and therefore, the petitioner and his co-accused have been prosecuted for the commission of offence punishable under Section 103(1) of Bharatiya Nyaya Sanhita 2023.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the



petitioner is in preventive detention for a period of more than six months and that he has no criminal history. According to learned counsel for the petitioner the contents of the FIR shows that the role attributed to the petitioner is that he was accompanying the main accused 'Jaspreet Singh' who was arrived with a fire arm and caused gun-shot injury on the person of deceased. According to learned counsel for the petitioner the weapon allegedly carried by the petitioner was a sword and there is no allegations that any injury with sword was inflicted by the petitioner on the person of deceased or that the above mentioned injury was responsible for the death of deceased. As per learned counsel for the petitioner since the fire arm injury was responsible for the death of deceased and abovesaid injury has not been attributed to the accused 'Jaspreet Singh', the petitioner can not be held liable for the offence of murder.

7. The learned counsel for the petitioner has also contended that in the present case the contents of the impugned judgment shows that at the time of dealing with the request of petitioner for bail, there was no sufficient grounds to arrive at a conclusion that release of petitioner on bail would bring him in association with known anti-social elements or that he would be exposed to moral, physical or psychological danger. According to learned counsel for the petitioner in the absence of any such material, to form the above mentioned opinion, the denial of a right of bail which is otherwise available to the petitioner amounts to miscarriage of justice.

8. In view of above, the learned counsel for the petitioner has contended that in the exercise of revisional jurisdiction of this Court the impugned order passed by the learned Juvenile Justice Board and the learned



Appellate Court be set aside and the benefit of bail be accorded to the petitioner.

9. The learned State has controverted the above mentioned arguments. According to learned State counsel in the present case there are very specific allegations against the petitioner that at the time of commission of offence he was accompanying the main accused and was carrying a sword. According to learned State counsel, the learned Appellate Court has rightly observed that the release of petitioner on bail is likely to bring him into association of known anti social elements and that he will be exposed to moral physical and psychological danger. According to learned State counsel in view of above mentioned well reasoned finding recorded by the learned Appellate Court and the gravity of offence, the petitioner is not entitled for the benefit of bail.

10. In view of above, the learned State counsel has contended that the present revision petition is devoid of merit and deserves dismissal.

11. The record has been perused carefully.

12. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the petitioner is already in preventive custody for a period of more than six months;
- ii) that there is no *prima facie* dispute qua the fact that at the time of commission of offence, the petitioner was a juvenile;
- iii) that the petitioner has no criminal antecedents;



- iv) that the name of the petitioner does not figure in the FIR;
- v) that the injury which proved to be fatal has not been attributed to the petitioner;
- vi) that there is no direct evidence to show that petitioner had inflicted any injury on the person of deceased or anybody else;
- vii) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- viii) that the trial of this case is not likely to be concluded in near future;
- ix) that the detention of petitioner in the protective custody is not likely to serve any purpose;
- x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- xi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

13. In addition to above mentioned factors, it is also relevant to note here that contents of the impugned order nowhere shows that for arriving at a finding, that release of petitioner on bail would bring him into an association of anti-social elements or will expose him to moral physical and



psychological danger, there was no reliable material on record. Thus the recording of such finding without such material is not sustainable.

14. Taking into consideration the cumulative effect of all the above discussed factors it is hereby observed that the learned Juvenile Justice Board vis-a-vis learned Appellate Court committed an error of judgment when they refused the benefit of bail to the petitioner. Thus, it is hereby observed that there is immediate need for interference in the above mentioned findings recorded by the learned Juvenile Justice Board vis-a-vis learned Appellate Court.

15. As a sequel to above mentioned observations, recorded in the foregoing paragraphs, the present revision petition is hereby **accepted**. The impugned order passed by the learned Juvenile Justice Board dated 02.12.2025, and the judgment dated 02.02.2026 passed by the learned Appellate Court, are hereby set aside and the petitioner is admitted to bail on furnishing requisite bonds to the satisfaction of learned Juvenile Justice Board, Faridkot.

(SURYA PARTAP SINGH)
JUDGE

08.05.2026
Manoj Bhutani

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