



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-840-2026
Reserved on:-23.04.2026
Pronounced on:- 28.04.2026
Uploaded on:- 28.04.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

CHILD-IN-CONFLICT WITH LAW LXXX SXXXX ALIAS GXXX

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Manu Loona, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

MANDEEP PANNU, J.

1. The present criminal revision petition has been filed challenging the impugned order dated 02.02.2026 passed by the learned Children’s Court, Fazilka in CRA-72-2026, whereby the appeal preferred by the petitioner under Section 101 of the Juvenile Justice (Care and Protection of Children) Act was dismissed.
2. Brief facts of the present case are that on 27.10.2025, the complainant, who is the father of the victim, got his statement recorded before the police stating that his son (name withheld in view of the directions of the Hon’ble Supreme Court) was aged about 07 years. It was alleged that on 26.10.2025 at about 2:00/3:00 PM, when the victim was



standing near the cremation ground of the village, the present petitioner/child in conflict with law came there and took the victim along with him on the pretext that he would drop him at the house of his uncle. It was further alleged that on the way, the petitioner/child in conflict with law sexually exploited the victim in the fields and also extended threats to him, whereafter he fled from the spot. Thereafter, the victim reached home and narrated the entire incident to the complainant, who subsequently informed the police. On the basis of the said statement, FIR No.270 dated 27.10.2025 under Section 6 of the POCSO Act and Section 351(2) BNS (corresponding to Section 506 IPC) was registered at Police Station Sadar Fazilka, District Fazilka. During the course of investigation, the child in conflict with law was apprehended in the present case and thereafter moved an application seeking regular bail before the learned Principal Magistrate, Juvenile Justice Board, Fazilka. However, the said application was dismissed vide order dated 13.11.2025. While dismissing the bail application, the learned Principal Magistrate, Juvenile Justice Board observed that as per the medical report of the victim conducted on 27.10.2025, the victim was aged about 7 years and it *prima facie* reflected that a heinous crime had been committed against the victim. The learned Board further observed that at the time of the alleged occurrence, the age of the child in conflict with law was 16 years, 9 months and 26 days, and there was a considerable difference between the age of the victim and the CCL. It was accordingly observed that the CCL was sufficiently mature and, in view of the said circumstances, he was not entitled to the benefit of bail under Section 12 of the Juvenile Justice Act. Consequently, the bail application was dismissed. Feeling aggrieved by the



aforesaid order passed by the learned Principal Magistrate, Juvenile Justice Board, Fazilka, the child in conflict with law preferred an appeal before the learned Children's Court, Fazilka. However, the said appeal was also dismissed vide the impugned order dated 02.02.2026. While dismissing the appeal, the learned Children's Court observed that the victim had been subjected to medical examination on the day of the occurrence itself and, as per the medical report, it was found that there was a tear in the anal area and blood stains were noticed on the perineum and perineal area. The learned Appellate Court further observed that the allegations against the appellant were serious in nature and, therefore, he was not entitled to be released on bail. It was further observed that though the appellant is a juvenile, that fact alone was not sufficient to grant him the concession of bail, particularly when the Court was of the view that in case the appellant was released on bail, it was likely to expose him to moral, physical and psychological danger at the hands of the family of the victim and his release would also defeat the ends of justice. Accordingly, finding no merit in the appeal, the same was dismissed.

3. Learned counsel for the petitioner/CCL has contended that the child in conflict with law has been in custody since 10.11.2025 and has already undergone incarceration for more than three months. It has been argued that the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 clearly envisage that a child in conflict with law, whether alleged to have committed a bailable or non-bailable offence, is ordinarily entitled to be released on bail and both the Courts below have failed to appreciate the mandate of the special statute. It has



further been submitted that the petitioner/CCL is a first-time offender having clean antecedents and there is no other criminal case pending against him. Learned counsel has further argued that the petitioner has already passed 10th standard and his further detention would serve no useful purpose. It has also been contended that though the investigation was required to be completed within the prescribed period, the challan was presented after 78 days from the arrest of the petitioner and both the Courts below failed to appreciate this aspect as well.

4. Per contra, learned State counsel has opposed the present revision petition and argued that serious allegations have been levelled against the petitioner/CCL and there is no illegality in the impugned orders passed by the learned Principal Magistrate, Juvenile Justice Board, Fazilka as well as the learned Children's Court, Fazilka. It has been submitted that the learned Children's Court has rightly observed that the victim was subjected to medical examination on the very day of occurrence and as per the medical report, injuries were noticed on the victim. It has further been observed by the learned Appellate Court that the allegations against the petitioner are serious in nature and, therefore, he is not entitled to be released on bail. The learned Children's Court had further observed that though the petitioner is a juvenile, that fact alone is not sufficient for grant of bail and in case he is released on bail, he may be exposed to moral, physical and psychological danger and his release may also defeat the ends of justice. On the strength of the said submissions, prayer has been made for dismissal of the present revision petition.



5. This Court has heard learned counsel for the parties and has gone through the record with their able assistance. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides that when any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained, such child shall be released on bail with or without surety notwithstanding anything contained in the Code of Criminal Procedure, unless there 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. Thus, while considering the prayer for bail of a juvenile, the Court is required to examine whether the case falls within any of the aforesaid three exceptions. A perusal of the impugned orders reveals that both the Courts below have primarily been swayed by the seriousness of the allegations while declining bail to the petitioner. Mere gravity of allegations, by itself, cannot be a ground to deny bail to a child in conflict with law unless the case is shown to fall within any of the statutory exceptions contemplated under Section 12 of the Act. Though the Courts below have observed that release of the petitioner/CCL may expose him to moral, physical or psychological danger and may defeat the ends of justice, such observations are general in nature and are not supported by any substantive material available on record. There is nothing on record to indicate that in case the petitioner/CCL is released on bail, he would come into association with known criminals or that there exists any tangible material to show that his release would expose him to any such danger. Likewise, no specific material has been referred to by the Courts



below to substantiate the conclusion that his release would defeat the ends of justice. The petitioner is admittedly a child in conflict with law, has clean antecedents and is stated to be a first-time offender. The legislative intent behind Section 12 of the Act is reformatory and rehabilitative in nature and denial of bail is an exception rather than the rule. In the absence of any material bringing the case within the statutory exceptions, continued detention of the petitioner would not be justified.

6. This Court is further fortified in its view by the recent judgment of the Hon'ble Supreme Court in *Juvenile in Conflict with Law v. State of Rajasthan and another*, 2024 SCC OnLine SC 5297, wherein it has been categorically held that under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, bail to a juvenile in conflict with law is the rule and denial thereof is an exception. The Hon'ble Apex Court observed that bail cannot be denied unless the Court records a specific finding that the case falls within any of the three exceptions contained in the proviso to Section 12(1), namely, that release of the juvenile is likely to bring him into association with known criminals, expose him to moral, physical or psychological danger, or defeat the ends of justice. It was further held that in the absence of such specific findings supported by material on record, denial of bail would be unsustainable in law. The Hon'ble Supreme Court further observed that where no adverse material is available against the juvenile, such circumstances strengthen the case for grant of bail. In the present case also, both the Courts below have failed to record any specific finding on the basis of cogent material that the case of the petitioner falls within any of the aforesaid exceptions. The impugned orders reveal that bail



has primarily been declined considering the seriousness of allegations, which by itself cannot be a ground to deny the statutory benefit available to a child in conflict with law under Section 12 of the Act. In view of the law laid down by the Hon’ble Supreme Court in the aforesaid judgment, the impugned orders cannot be sustained.

7. Accordingly, the present revision petition is allowed. The impugned order dated 13.11.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Fazilka and the order dated 02.02.2026 passed by the learned Children’s Court, Fazilka are hereby set aside. The petitioner/child in conflict with law is ordered to be released on bail, subject to furnishing adequate bail/surety bonds by his guardian to the satisfaction of the learned Trial Court/concerned authority and subject to any conditions deemed appropriate to ensure his welfare and presence during trial proceedings.

8. All pending applications, if any, also stand disposed of.

28.04.2026
Anu

(MANDEEP PANNU)
JUDGE

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