



CRR-2020-2025(O&M)

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

145-2

CRR-2020-2025(O&M)

Decided on :18.03.2026

Ritesh Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Ritesh Kumar, aged 18 years, has filed the instant revision petition challenging the judgment dated **02.07.2025** passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, whereby the appeal filed by him against the order dated **15.01.2025** passed by the learned Principal Magistrate, Juvenile Justice Board, Mohali, was dismissed and, consequently, his application for bail was rejected.
2. As per the allegations, an FIR was registered at the instance of Balwinder Singh, which is reproduced in paragraph No. 4 of the appellate court's order and is extracted hereunder:

“that he is a vegetable vendor having shop nearby Village Kumbra. He is having three children i.e. two daughters and a son. His son namely Daman Kumar was born on 18.03.2007, who is doing a private job after matriculation. He submitted that on that day i.e. 13.11.2024, he was at his shop and at about 06:45 PM, someone informed him that Akash and his accomplices have fled away after stabbing knife on his son Daman and Dilpreet Singh and both the injured are lying nearby well of 'Theors' (water carriers). Upon this, complainant rushed to the spot but till then, Daman and Dilpreet Singh were evacuated to Grecian Hospital, Sector-69, Mohali for treatment. Thereafter, he inquired the matter about his son from his friends Ashok, Abhishek and Manvir Singh, who apprised him that they



all were turning their cycles nearby PG of one Happy, somehow their cycle rammed into cycle of Akash and his accomplices. In the meanwhile, Akash and his companions entered into verbal spat with them on account of aforesaid collision and also uttered abusive language and they stopped them from abusing them. Complainant further alleged that Ashok and his two friends further informed him that thereafter, they along with their cycle came to the well of " Jheors", where Akash along with his five companions also came there. One of the companion of Akash, who was wearing white coloured shirt, waylaid all three of them and exhorted if they have any issue with them. In the meantime, son of complainant Daman and Dilpreet who were also standing nearby, came there and tried to pacify the matter. In the meantime, the aforesaid person wearing white shirt took out knife and inflicted a knife blow on the chest of Daman, with the intention to kill him. Thereafter, Daman stepped back and after covering about 50 paces, he slumped down in the street. Thereafter, the aforesaid person also inflicted knife blow upon the face of Dilpreet with intention to kill him. Shortly thereafter, aforesaid assailants fled away from the spot. Thereafter, son of the complainant was rushed to Grecian Hospital, Sector-69, Mohali, where he was declared dead. While Dilpreet Singh was under treatment in the said hospital. Complainant thus, requested that necessary legal action be taken against the accused persons”.

3. Learned counsel for the petitioner submits that as per the allegations, incident took place on 13.11.2024. Allegation against the petitioner is that he was accompanying co-accused Aman Tak, who inflicted fatal knife blows on Daman and Dilpreet, along with another co-accused, Akash.

It is an admitted position that the petitioner was aged 17 years at the time of the incident and had no prior criminal history. However, considering the brutal attack on Daman and Dilpreet, primarily attributed to the main accused Aman Tak; Juvenile Justice Board and the Appellate Court, both dismissed the plea of bail, on the apprehension that if the petitioner was released, there was a likelihood of his coming into



association with known criminals and being exposed to undesirable influences.

4. In the appellate proceedings, the plea for bail was again rejected, as observed in paragraph No. 10, which reads as under:

“ In the instant case, there is ample material on record to indicate that applicant/juvenile had fallen in bad company. There is no parental control. As pointed out by the Ld. Addl.PP for the State, present juvenile was also accompanying other co-accused, who committed gruesome and brutal murder of two young boys namely Daman and Dilpreet who had intervened to pacify the matter. As per the case of the prosecution, co-accused Aman Tak had inflicted deadly knife blows upon deceased Daman and Dilpreet, which cause their death. The present petitioner, who was also present along with co-accused Akash and Aman Tak had never stopped them from committing such a heinous crime, rather acted as cohort of teh main assailant, resulting in to death of two young boys and that too on petty issue. At this juncture, Ld. counsel for the juvenile has strenuously urged that it is a case of grave and sudden provocation and in the heat of moment, co-accused Aman Tak inflicted knife blows upon the deceased Daman and Dilpreet, whereas present petitioner has no role in the alleged commission of crime.”

At this stage, learned counsel for the juvenile has argued that the incident occurred due to grave and sudden provocation and that in the heat of the moment, co-accused-Aman Tak inflicted the knife blows, whereas the present petitioner had no role in the alleged offence.

5. Nothing substantial has been pointed out by the learned State counsel to demonstrate how, in terms of Section 12 of the Juvenile Justice Act, the release of the petitioner on bail would expose him to association with known criminals, or who such alleged criminals are in the locality.



Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'JJ Act') reads as under:-

“Section 12. (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:*

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 subsection (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 subsection (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.”*

6. Undoubtedly, a brutal act has been committed by the accused persons, particularly by main accused Aman Tak, who inflicted fatal injuries resulting in the death of two young boys, namely Daman and Dilpreet. However, mere presence or accompaniment of such accused cannot, at this stage, be a determinative factor regarding the petitioner's culpability in the incident. This is especially so when there is no certainty at present that the petitioner shared any common intention with the main accused. Certain factual aspects are yet to be determined by the competent court before which the trial is pending adjudication.

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7. Taking into account all the circumstances discussed hereinabove, and the legislative intent underlying Section 12 of the Juvenile Justice Act, this Court deems it appropriate to allow the present revision petition. The impugned orders dated **02.07.2025** and **15.01.2025** are hereby set aside. Petitioner is ordered to be released on bail subject to his furnishing surety/bail bonds to the satisfaction of the Juvenile Justice Board/Area Magistrate/Duty Magistrate concerned.

(SANJAY VASHISTH)
JUDGE

18.03.2026***Rashmi***

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*