



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

**CRR-2714-2025**

**Date of decision: 09.02.2026**

**GXXXX (JUVENILE) THROUGH HIS FATHER**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Raghav Soni, Advocate for  
Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

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**SUBHAS MEHLA, J. (ORAL)**

1. Present revision petition has been preferred by the petitioner assailing the order dated 05.12.2024 passed by learned Additional Sessions Judge, Tarn Taran, whereby, the prayer to release the petitioner on regular bail has been declined in FIR No.51 dated 24.04.2025 under Sections 4, 14 of POCSO Act, 3(5) of BNS and 67, 67-A of IT Act registered at Police Station Jhabal.

2. Briefly stated, the aforesaid FIR was registered on 24.04.2025 against the petitioner/juvenile, along with the other accused, namely Jashanpreet Singh, on the basis of the statement made by Mandeep Kaur, wherein she alleged that on 21.04.2025, the petitioner, in connivance with the co-accused, committed a wrongful act against her son, recorded a video of the said act, and circulated the same. Hence, the FIR was registered.

3. Learned counsel for the petitioner contended that the petitioner is a young boy aged about 17 years and has completed his class 10<sup>th</sup>; no previous remarks have been made in the social investigation report; as per the mandate of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015



(for short 'J.J. Act') the bail can be declined to a juvenile only on the ground of his safety and it is to be seen whether he may come into contact with a known criminal, or whether the juvenile shall thereby be exposed to physical or psychological danger. The objective of the Act is that the children even if get into some conflict in law, they must be reformed and not punished. He further contended that present petitioner is in confinement since 01.05.2025 and if he is further kept in the observation home, it will diminish his future prospect. As such, learned counsel prayed for grant of regular bail to the petitioner.

4. Learned State counsel filed status report dated 28.01.2026, which is taken on record. Learned State counsel opposed the prayer for regular bail of the petitioner and submitted that the petitioner has committed a heinous crime and he had sufficient maturity to understand the consequences of his acts. As such, learned counsel prayed for dismissal of the present revision petition.

5. This Court has heard learned counsel for the parties and gone through the reply. Relevant paragraph of the reply is reproduced hereunder :

*“During personal interaction with the CCL Child family and Co-villagers in the area. It is come into our knowledge that CCL child has been doing study in +1 class. Previous record of the study reveals that CCL child obtained 555/600 with A+ Grade in 10th Examination Certificate. He is good in study. He also got Appreciation Certificate in Moral Education Examination from Guru Gobind Singh Study Circle CCL Child father having Grocery Shop in Village Tapiala.*

*As per investigation CCL child has influence of his peer group. Parents of the CCL child claimed that our son is innocent. It is heinous offence. No previous case history has been found that CCL child is not involved in any case. Parents are ready to keep the CCL Child under*



*their supervision. Counselling may be recommended for the best interest of child. Report is submitted, please.”*

6. The present petition is filed by father of the petitioner, so taking into consideration the facts and circumstances of the case along with the social investigation report which is in the best interest of the petitioner, this Court finds merit in the present petition.

7. The J.J. Act is based on the belief that children are the future of the society and in case, they go into conflict with law under some circumstances, they should be reformed, rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society. Section 12 of the J.J. Act is in consonance with the purpose and object of the Act, providing for mandatory bail to a juvenile in conflict with law unless the grounds as provided in proviso to Section 12(1) of the J. J. Act is/are present, so that child is re-united with his family at the earliest opportunity and the protection, development, reformation and rehabilitation of the child is ensured. Moreover, the spirit of the trite principal of law that “*Bail is a rule and jail is an exception*” is reflected in the provision of Section 12 of J.J. Act, which is reproduced hereunder :

**“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 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.*

*(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.*

*(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.”*

8. Therefore, in view of the aforesaid discussion, the instant petition is allowed. Juvenile Justice Board/trial Court is directed to release the petitioner on regular bail on furnishing requisite bonds to the satisfaction of the Juvenile Justice Board/trial Court concerned by his father with an undertaking that he will take care of the petitioner and shall not allow him to accompany anti-social elements and produce him before the trial Court/juvenile Justice Board as and when required.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

February 09, 2026  
manisha

(SUBHAS MEHLA)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |