



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(225)

CRM-M-61294-2025

DATE OF DECISION: 10.02.2026

Parikshit @ Mannu

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Parminder Singh, Advocate, for the petitioner.
Mr. Ramender Singh Chauhan, Asstt. AG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. The present petition has been filed by the petitioner for grant of regular bail in case FIR No.68 dated 10.02.2024, under Sections 148, 149, 201,302, 427 and 120-B IPC, registered at Police Station Samalkha District Panipat.

2. FIR was registered on the basis of complaint made by the complainant Dharambir, the contents of which are reproduced as hereunder:

“ I am Dharambir son of Ram Kumar Saini, resident of Ward No. 9, Baagwala, near Golden Park, Samalkha. I have two sons and a daughter. My younger son Ravindra @ Billu is about 20 years old. He works with me on a vegetable cart. Mona son of Subhash Jogi, resident of Baagwala Mohalla, Samalkha, Shivam alias Shubham son of Rajender, resident of Chulkana, currently Samalkha, Deepashu alias Kala son of Naresh, resident of Ganesh Colony, Samalkha and Shivam alias Shubham friend Mohit son of Rohtash, resident of Bhiwani had a grudge with my son Ravinder alias Billu and they several times had come to my vegetable cart at Mata Puli Road, Samalkha give threatening. On 09.02.2024, my son Ravinder alias Billu was called from home by Mona son of Subhash and taken away. Today on



10.02.2024 at around 2:00 AM, I got information that my son Ravinder alias Billu was murdered by causing injuries him at Ganesh Colony, Jorasi Road, Samalkha. Upon this information, I went to the spot at Ganesh Colony, where Mona son Subhash's motorcycle bearing no. HR06AB-4228 was found broken. When I inquired around and checked the CCTV footage, I found Shivam alias Shubham, Mohit son of Rohtash, Dipanshu alias Kala son of Naresh, Shahrukh alias Chimpanzee, his friend Mangu and Vansh alias Vashu son of Naresh and his three other companions staying at night at the house of Dipanshu alias Kala son of Naresh and Ritu daughter of Naresh and Santosh alias Babli wife of Naresh were found with them. In the CCTV footage, those who killed my son Ravinder alias Billu by giving causing injuries him on the head with sharp weapons and sticks and Mona and Shivam alias Shubham Raja along with their companions carried out this offence and legal action should be taken against all of them as soon as possible.”

3. Learned counsel for the petitioner contended that the petitioner, who, on the date of occurrence was minor, has no concern and connection with the allegation set out in the FIR; petitioner has not been named in the FIR; on checking of CCTV footage, Deepanshu @ Kala, Shivam @ Mohit, Mangu, Vansh @ Vanshu and Smt. Ritu, Santosh @ Babli can be seen, and petitioner is seen nowhere in the CCTV footage, as per disclosure statement of co-accused Mohit, who was arrested on 10.10.2024; name of petitioner has come up in the disclosure statement of co-accused Rohit @ Mangu and no active role and injury is attributed to the petitioner; the only attribution is that after the incident, Rohit @ Mangu along with petitioner and co-accused Shivam @ Raja went to Sonipat on petitioner's motorcycle; except disclosure statement, there is nothing on record to connect the present



petitioner with the alleged occurrence; investigation has been completed and challan presented on 09.05.2024.

4. Learned counsel for the petitioner also pleaded that 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 13.02.2024 and he being a child in conflict with law, deserves the concession of bail under Section 12 of Juvenile Justice Act, 2015 (hereinafter called as JJ Act), therefore, prayer for grant of regular bail to the petitioner is made.

5. On the other hand, learned State counsel Mr. Ramender Singh Chauhan, Asstt. AG, Haryana, submitted that active role in commission of heinous crime was attributed to the petitioner in murdering the victim; petitioner also destroyed the brick used in the crime; and he had sufficient maturity to understand the consequences of his acts; in the Social Investigation Report bad character of petitioner was reported and if petitioner was granted bail he could threaten the material witnesses of the prosecution and prayer for dismissal of the petition is made.

6. Heard.

7. The present petition is filed by the petitioner, who at the time of occurrence was 16 years and four months old, so taking into consideration



the facts and circumstances of the case along with the social investigation report, this Court finds merit in the present petition.

8. 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 is 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.”

9. After hearing learned counsel for the parties, this Court finds that the petitioner was minor at the time of occurrence; petitioner is not named in the FIR, and was nominated on disclosure statement of co-accused Rohit @ Mangu; as per contention of learned counsel for petitioner, no specific role is attributed to petitioner in the disclosure statement as to participation in murder of victim; some of the accused who were specifically named in the FIR are found innocent by the investigating agency; the investigation qua the present petitioner has already been completed and challan presented on 09.05.2024; petitioner / child in conflict with law is in custody since 13.02.2024; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period.

10. Therefore, in view of the aforesaid discussion, the instant petition is allowed. Children Court/ trial Court is directed to release the petitioner on bail on furnishing requisite bonds to its satisfaction with an undertaking by child in conflict with law (if major) or by guardian (if minor) that he will not allow him to accompany anti-social elements and produce him before the trial Court as and when required.

11. It is pertinent to mention here that children court/ trial court shall explore the possibility for counseling of the petitioner and if



petitioner /child in conflict with law needs any counseling then he is directed to appear before Secretary, DLSA concerned and make a schedule for providing counseling to the petitioner / child in conflict with law through District Legal Services Authority, concerned.

12. Nothing observed hereinabove shall be construed to be an 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.

10.02.2026
mamta

(SUBHAS MEHLA)
JUDGE

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