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

**CRR No.1054 of 2025
Date of Decision: 31.07.2025
Reserved on: 16.07.2025**

Udey @ Aman @ PK ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anil Shukla, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant revision petition has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short '**the Act, 2015**') by the petitioner who is a child in conflict with law making challenge to the order dated 28.10.2024 passed by the Juvenile Justice Board, SAS Nagar (Mohali) (For short "**the Board**") whereby an application filed by the petitioner for grant of regular bail in case arising out of FIR No.65 dated 03.04.2024, initially registered under Sections 307, 323, 148 and 149 of IPC (Sections 302, 201 and 34 of IPC added and Sections 307, 148 and 149 of IPC deleted later on) at Police Station Balongi, District SAS Nagar, had been dismissed. The petitioner then filed application for grant of regular bail before the learned

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Additional Sessions Judge, Mohali/Children Court which was also dismissed vide order dated 03.02.2025.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Narinderpal Singh on 03.04.2024 alleging therein that he owned a shed near his house and had let out the same to one Milan. On the night of 29.03.2024, a DJ was being played at high volume in the said shed. As lot of noise was coming, the complainant went towards the shed and asked for lowering down the volume of the DJ. Some youths along with one female were found standing outside the shed. They started hurling abuses to the complainant and asked him as to who was he to ask them to lower down the volume. Then one of them opened an attack upon the complainant with a knife thereby hitting the palm of his left hand which started bleeding profusely. While raising clamour, the complainant rushed towards his house and then 12-13 youths and that girl started following him. One of them struck a blow with knife upon Gurvinder Singh, a family member of complainant, who had rushed for his rescue. On seeing several persons gathering there, the assailants fled away with their weapons. The injured were rushed to the hospital.

3. As per the further allegations, initially a case under Sections 148, 307 and 323 read with Section 149 of IPC was registered. The victim Gurvinder Singh succumbed to his injuries. Offences under Sections 302 and 201 read with Section 34 of IPC were added. The statements of witnesses were recorded. Efforts were made to trace the identity of the assailants. On 31.07.2024, the complainant recorded his supplementary statement on the

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basis of which Vishal Kumar @ Billa was nominated as accused. He was arrested on the same day i.e. 31.07.2024. He suffered disclosure statement admitting his involvement in the crime and also took the names of the present petitioner and other co-accused. The petitioner was nominated as such. He was taken into protective custody on 21.09.2024 and was sent to Observation Home. He was found to be 16 years and 4 months old as on the date of incident. Inquiry against the petitioner stands completed and report was filed before the Board. After conducting preliminary assessment, the Board has transmitted the case of the petitioner to the Children Court for treating him as an adult and presently, he is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that the impugned orders as passed by learned Principal Magistrate of the Board as well as learned Children Court are not sustainable in the eyes of law as while passing the same, the learned Principal Magistrate of the Board and Children Court ignored the fact that he was 16 years and 4 months old at the time of occurrence and was entitled to get benefit of bail as a matter of right under the provisions of Section 12 of the Act, 2015. There was no basis for arriving at a conclusion by the learned Children Court that he was not under parental control and required institutional care, counseling and rehabilitation which was possible only during his lodgement in the Observation Home. The learned Principal Magistrate of the Board also erred in observing that his release was likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release

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would defeat the ends of justice since there was no material to say so. It is argued that there are no chances of his absconding or tampering with the prosecution evidence. Non speaking and cryptic orders had been passed by the learned Principal Magistrate of the Board and the Children Court. The trial will take considerable time to conclude. His further incarceration would not serve any purpose. It is, therefore, argued that the impugned orders are liable to be set aside, the revision petition deserves to be accepted and the petitioner deserves to be extended benefit of bail.

5. Written response has been filed by respondent-State. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner who was actively involved in commission of offence of murder of the victim. He formed membership of an unlawful assembly with the co-accused and directly took part in the occurrence. He had directly taken part in the physical altercation with the victim Gurvinder Singh resulting in causing fatal injuries. He also brandished a knife and had made an attempt to cause injuries to the complainant. He suffered disclosure statement admitting his involvement in the crime. The Board and the Children Court passed detailed orders denying the concession of bail to the petitioner, while considering the fact that his release could bring him in association of bad elements or known criminals or expose him to moral, physical or psychological danger. There was danger of retribution by the society if benefit of bail is granted to the petitioner. It is argued that release of the petitioner is also going to defeat the ends of justice keeping in view the gravity of the offences as committed by him. While

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stressing that the impugned orders do not suffer from any illegality or infirmity, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. It is not in dispute that the petitioner was a Juvenile at the time of commission of the offences in question. The main question that falls for consideration before this Court is that as to whether while passing the impugned orders, the Board and the Children Court, acted within the four corners of Section 12 of the Act, 2015 or not ? Section 12 of the Act, 2015 postulates rule of grant of bail for every child in conflict with law, who is alleged to have committed a bailable or non-bailable offence, if he/she is apprehended or detained by the police and is being produced before the Board. As per provisions of this section, such child has to be released on bail with or without surety As per proviso to this section, such child shall not be released if there appear to be reasonable grounds for believing that his/her 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.

8. From a bare reading of the provision of Section 12 of the Act, 2015, it appears that the intention of the legislature was to grant bail to a juvenile in conflict with law irrespective of the nature or gravity of the

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offence alleged to have been committed by him and the same can be declined only in cases where reasonable grounds are there 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. It is also well settled by now by a catena of judgments that the gravity of offence alleged to have been committed by a CCL cannot be taken as a ground for rejection of bail under Section 12 of the Act, 2015. Reference in this regard can be had to the observations as made in *Shiv Kumar @ Sadhu vs. State of U.P. : 2010 (1) ACC 616*, *Krishan Kumar vs. State of Haryana : 2020 (2) RCR (criminal) 342* and *Vishal vs. State of Haryana : 2020 (4) RCR (criminal) 475*. It is, thus, clear that for invoking exceptions to Section 12 of the Act, 2015, for declining bail to a CCL, there has to be some material before the competent authority on the basis of which, it can be said that the release of the juvenile would fall within the exceptions recognized under Section 12 of the Act, 2015 and that the seriousness of offence as mentioned in the FIR would not be a ground to deny to the juvenile, concession of bail.

9. Now coming to the peculiar facts of the present case. As per the allegations, on the fateful day, the petitioner formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, had caused injuries to the victim Gurvinder Singh who had succumbed to the same and had died. The specific role attributed to the petitioner is that he had initially brandished a knife, made attempt to attack and was also an active participant in the assault that culminated into

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causing injuries upon the victim. A perusal of the impugned orders as passed by the learned Principal Magistrate of the Board as well as learned Children Court, however, reveals that no social investigation report of the petitioner had been taken into consideration. There is nothing on record to show that any such information has been received by checking the social background of the petitioner that his release on bail was likely to bring him into association with any known criminal or to expose him to any moral, physical or psychological danger or his release was going to defeat the ends of justice. It is not the case of the prosecution that the relationship of the petitioner with his family members was not normal. The Board and the Children Court without having any material on record to come to the conclusion that the abovementioned three ingredients for refusal to grant of regular bail were satisfied, proceeded to decline the prayer of the petitioner in this regard. The observations made therein regarding Section 12 of the Act, 2015 were not based upon any cogent material. It is well settled that in a case of grant of bail to a juvenile under the provisions of Act, 2015, there is complete departure to the principle that the gravity of the offence and the charges are required to be seen for grant/denial of bail. Since the ingredients mentioned under Section 12 of the Act, 2015 are to be adhered to and the merit and nature of the offences is not relevant for the purpose because the basic object of the provisions of the Act, 2015 is to provide care, protection, treatment and rehabilitation to juvenile in conflict with law. There is nothing on record to say that the petitioner was a hardcore criminal or might go back to the same company if released on bail. There is also nothing on record to

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suggest that the petitioner would face wrath and outrage from the members of the society if he is granted concession of bail.

10. In the given facts and circumstances, in my considered opinion, the impugned orders rejecting the prayer made by the petitioner are inappropriate as they are not shown to have exercised the jurisdiction vested in them in terms of the object of the Act, 2015. Hence, the impugned orders are liable to be set aside as it would in the fitness of things and in the interest of the petitioner to release him on bail since the ends of justice cannot be considered to be defeated only keeping in view the nature of the offences. Accordingly, the revision petition is accepted and the impugned orders are set aside. The petitioner is ordered to be released on bail and he be given in the custody of his mother/guardian, on her/his filing personal bonds and two sureties of the like amount to the satisfaction of the Court concerned with the undertaking that the mother/guardian shall keep the juvenile away from unsocial and criminal elements, will look after his health, keeping his mental and social status. She/he will also give an undertaking that on being released on bail, she/he will ensure his presence during trial before the Court concerned whenever so required.

11. Office is directed to transmit certified copy of this order to the Court concerned for information and necessary compliance.

31.07.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No