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

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CRA-S No.1312 of 2025

Date of decision: 22.07.2025

A @ L (CCL)

... Appellant

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Sanghi, Advocate,
for the appellant.

Ms. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed under Section 101 of Juvenile Justice (Care and Protection of Children) Act, 2015 (For short "Act, 2015") challenging the order dated 25.03.2025 passed by the Court of learned Additional Sessions Judge, Rohtak in case arising out of FIR No.121 dated 16.04.2024 registered under Sections 148, 149, 323, 325, 506, 201 and 302 of IPC at Police Station I.M.T., Rohtak, District Rohtak, whereby an application for grant of regular bail as filed by the appellant had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of

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complaint submitted by the complainant Ajit alleging therein that on the night of 15.04.2024, his son Rohit had gone out for a walk after having supper. After sometime, he heard some noises and on coming out of the house, he found that three youths who had come in a nearby liquor vend to buy alcohol, were hurling abuses and Rohit was objecting to the same. They also started calling bad names to Rohit as well. The complainant asked the names of those youths and they disclosed the same as Vishwajeet @ Binni, Neeraj and Anuj. The complainant then left the spot along with his son while asking those youths to leave. They left the spot by proclaiming that they would teach a lesson to the complainant. Sometime thereafter, all three of them came back being accompanied by some more persons. They were armed with weapons and they opened an attack upon Rohit with an intent to kill him and started inflicting injuries to him. The complainant and some other persons rushed for his rescue but they too sustained injuries. The police was informed and then the assailants fled away. His son was taken to hospital but died during the course of treatment.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of the dead body and inquest proceedings were conducted. Statements of injured witnesses Sunil and Naveen were recorded. The accused Vishwajeet was arrested on

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17.04.2024. The appellant A-1 who is a child in conflict with law (CCL) (name withheld) was taken into protective custody on 19.04.2024. On interrogation, he suffered disclosure statement admitting his involvement in the incident and got recovered a wooden stick used at the time of occurrence. He also demarcated the place of occurrence. Another CCL A-2 (name withheld) was also taken into protective custody on 19.04.2024. He too suffered disclosure statement and got effected recoveries. Subsequently, co-accused Neeraj and Himanshu were arrested. Offence under Section 201 of IPC was added. The appellant moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Rohtak vide impugned order dated 25.03.2025.

4. It is argued by learned counsel for the appellant that he has been falsely implicated in this case. There is delay of one day in lodging of the FIR which has not been satisfactorily explained. He was not named in the FIR and his name has been added by making manipulations. The appellant has clean antecedents. He is in custody since 19.04.2024. The complainant has intentionally not been appearing as a witness before the trial Court only to delay the conclusion of the trial and to harass him. No specific overt act has been attributed to him. He being a child in conflict with law was entitled to seek concession of bail as a matter of right in

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view of the provisions of Section 12 of the Act, 2015. His further incarceration is not going to serve any useful purpose. While passing the impugned order, the learned Additional Sessions Judge, Rohtak did not take all these points into consideration. It is, therefore, argued that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be released on bail.

5. Written response has been filed by the respondent-State. It is argued by learned Deputy Advocate General, Haryana that the appellant was detained in this case on 19.04.2024 after collection of sufficient evidence against him. He was named in the disclosure statement of the co-accused and has himself suffered the same admitting his active participation in the act of assaulting the victim by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof. The material witnesses are yet to be examined. There are chances of appellant's intimidating the witnesses or absconding if extended benefit of bail. The allegations against him are serious in nature. The learned Additional Sessions Judge had rightly observed that the release of the appellant on bail might pose a significant risk to public safety as well as own well being of the appellant. It was rightly observed that there was a strong possibility that upon release, the appellant might re-associate with individuals involved in criminal activities and as such

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association would expose him to moral, physical or psychological harm, thereby worsening the situation. It is, further, argued that the allegations against the appellant are serious in nature and his release on bail in a heinous crime like murder would defeat the ends of justice. While stressing that the impugned order does not suffer from any infirmity or illegality, it is stressed that the appeal is devoid of any merit and is liable to be dismissed.,

6. Rival submissions by both the parties have been duly considered and material placed on record has been taken into consideration.

7. It is not in dispute that the appellant was a juvenile being below the age of 18 years, at the time of commission of the offences in question. It has also come on record that he has been sent by the Juvenile Justice Board to the Children Court for trial as an adult. It is well settled proposition of law that a juvenile in conflict with law still remains juvenile and cannot be denied benefit of Section 12 of the Act, 2015 when he is sent up for trial as adult. Reliance in this regard can be placed upon the observations made by a Coordinate Bench of this Court in *Sachin @ Suraj vs. State of Haryana, 2023 (3) Law Herald 2036.*

However, the moot question, which falls for consideration before this Court in the present appeal filed under Section 101 of Act, 2015, is with

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regard to the fact as to whether the order passed by the Children Court while rejecting the bail application of the appellant, is within the four corners of Section 12 of the Act, 2015? This section 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. Such child has to be released on bail with or without surety. Further, 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, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

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 offence alleged to have been committed by him and the same can be declined only in cases where reasonable grounds are there for believing

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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. Reference in this regard can also be made to *Shiv Kumar @ Sadhu Vs. State of U.P., 2010 (1) ACC 616*, wherein it was observed that gravity of the offence has not been mentioned as a ground for rejection of bail under Section 12 of the Act, 2015. Similar observations have been made by other Co-ordinate Benches of this Court in *Krishan Kumar Vs State of Haryana, 2020 (2) RCR (criminal) 342*; *Vishal Vs State of Haryana 2020 (4) RCR (criminal) 475* and *Sanjeet Vs State of Haryana, 2020 (4) RCR (Criminal) 338* by holding that for invoking the exceptions of Section 12 of the Act, 2015, as culled out for declining bail to a juvenile in conflict with law, 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. In this regard, reference can be made to *Dr. Subramanian Swamy and others v. Raju through Member, Juvenile Justice Board and another, 2013 (4) RCR (Criminal) 131*, wherein similar observations were made.

9. Now coming to the peculiar facts and circumstances of the

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present case. As per the allegations, on the fateful day, the appellant along with the co-accused had formed membership of an unlawful assembly and in prosecution of common object thereof, had assaulted the victim Rohit thereby causing injuries which proved fatal and resulted in his death. The role that has been attributed to the appellant is that he along with the co-accused had chased the victim while he was running to save himself and had extended beatings to him with wooden sticks and iron rods and by giving kicks and fist blows. The social investigation report of the appellant was filed before the Juvenile Justice Board as per which, the father of the petitioner had expired. His behaviour and attitude towards his family members, friends and neighbourer was normal. He had never been apprehended earlier for any kind of offence. On a perusal of order passed by the learned Additional Sessions Judge, it is revealed that no consideration whatsoever had been given to the social investigation report. This report does not gave any information that the release of the petitioner on bail was likely to bring him into association with any known criminal or would expose him to any moral, physical or psychological danger or his release on bail would defeat the ends of justice. As already discussed, in case of grant of bail under the provisions of Act, 2015, there is complete departure to the normal principle that gravity of the offence is material for grant or refusal of bail and the

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nature of the offence is not relevant rather the ingredients under Section 12 of the Act, 2015 are to be adhered to.

10. The basic object of the provisions of Act, 2015 is to provide care, protection, treatment and rehabilitation to a CCL. Undoubtedly, no indefeasible right exists in favour of a CCL for grant of regular bail under the Act, 2015, however, still at the same time, in view of Section 12 of the Act, 2015, ordinarily, a juvenile deserves to be released on bail except in the circumstances as enumerated in the proviso thereof. On considering the order passed by the learned Additional Sessions Judge on the anvil of the ingredients required for granting/rejecting bail, this Court is of the considered opinion that the social background report of the appellant was required to be taken into consideration which was not so considered. From this report, nothing is shown to arrive at a conclusion that the case of appellant fell within the exception as laid down in the proviso to Section 12 of the Act, 2015. The learned Additional Sessions Judge without having any material on record to come to the conclusion that the abovesaid ingredients were satisfied, proceeded to decline the prayer of the appellant for grant of bail by observing that there were serious and grave allegations against the appellant and he had not committed the offence at the spur of the moment. The observations made in the impugned order regarding Section 12 of the Act, 2015 were

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not based upon any cogent material. In *Sourav vs. State of Haryana, CRM-M-55100-2023*, decided by this Court on 18.12.2023, the prayer made by a CCL for grant of bail had been allowed by observing that except the personal information expressed by the Children Court, there was nothing on record to suggest that the CCL would face wrath and outrage from the members of the society in case he was granted concession of bail. In *Jatin vs. State of Haryana, 2024 (2) RCR (Criminal) 143*, benefit of bail was granted to a CCL by observing that the social information report showed that his relationship with his parents and siblings was normal, his attitude towards his classmate and friends was normal, he himself was not victim of any offence and that he was living in a normal urban locality.

11. It is not the case of the prosecution that the relationship of the appellant with his own family members is not normal. There is nothing on record to suggest that his release on bail would bring him into association with any known criminal or expose him to any moral, physical or psychological danger or that would amount to defeating the ends of justice. In the given facts and circumstances, in my considered opinion, the impugned order rejecting the prayer made by the appellant is inappropriate as the learned Sessions Court is not shown to have exercised the jurisdiction vested in it in terms of the object of the Act,

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2015. Hence, the impugned order is liable to be set aside as it would in the fitness of things and in the interest of the appellant 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 appeal is allowed and the impugned order is set aside. The appellant has attained majority. He is ordered to be released on bail on his furnishing personal bonds and surety bonds of two sureties of the like amount each to the satisfaction of the Court concerned.

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

(MANISHA BATRA)
JUDGE

22.07.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No