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

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CRR-429-2024

Date of Decision: 20.08.2025

RAJA @ AHMED

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. A.S.Manaise, Advocate for the petitioner.

Mr. Amit Rana, Sr.DAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present petition has been preferred by the petitioner against the judgment dated 12.01.2024 passed by Id. Sessions Judge, Gurdaspur vide which impugned order dated 03.10.2023 passed by Id. Juvenile Justice Board, Gurdaspur has been upheld and the petitioner has been declined bail in FIR No. 157 dated 19.11.2021 under Sections 302,396,212,216,450,397,398 IPC and Section 25 of Arms Act, registered at Police Station, City Batala, Police District Batala, District Gurdaspur.

2. The case of the prosecution is that complainant along with his brother Kuldeep Raj @ Deepak Dhall runs a shop of Goldsmith outside their house. On 18.11.2021 five persons armed with pistol had entered in the shop and started firing at them due to which his brother suffered a gun shot in his waist and succumbed to the injuries.



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3. Learned counsel for the petitioner submits that the petitioner is a juvenile and has been falsely implicated in the present case and is facing trial before the Juvenile Justice Board. He further submits that the petitioner was identified in the CCTV footage however nothing has been recovered from him. He further submits that the maximum sentence that can be awarded to a juvenile is three year as per Section 18 of the Juvenile Justice Act. However, the petitioner has undergone a period of 02 years 08 months and 26 days as of today whereas being a juvenile the sentence could end up only upto three years. He further submits that as per Section 12 of Juvenile Justice Act a juvenile is entitled to bail as a matter of right provided that if enlarged on bail, the juvenile would not be exposed to moral or physical danger. The co-accused Anmol@ Chand and Rohit Masih have been granted regular bail by the Coordinate Bench of this Court vide orders dated 26.09.2022 and 10.10.2022.

4. Learned State counsel has filed the custody certificate of the petitioner in the Court and the same is taken on record. However, he has not disputed the fact the petitioner is in custody for the last 02 years 08 months and 26 days. He vehemently opposes the prayer made by the learned counsel for the petitioner on the ground that the petitioner is involved in two other cases under IPC and Arms Act.

5. I have heard the learned counsel for the parties.

6. As per Section 12 of the Juvenile Justice Act provides for a non-obstante clause for governing the provisions of bail to a juvenile. Ordinarily bail should be granted to a juvenile who is a child in conflict with

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law but as per the proviso of Section-12 of the Juvenile Justice Act the bail can be denied only due to strong and extreme reasons.

7. Keeping in view the above, this Court is of the considered view that the present petition deserves to be allowed considering custody of more than two years pertaining to the present petitioner. Consequently, the present petition is allowed. Therefore, the orders dated 03.10.2023 passed by the learned Juvenile Justice Board and order dated 12.01.2024 passed by the learned Appellate Court are hereby set aside. The petitioner is directed to be released on bail to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Gurdaspur/Duty Magistrate concerned.

8. It is clarified that if on bail so granted through the instant order, the applicant is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

20.08.2025*renu***(H.S.GREWAL)
JUDGE**

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