



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

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CRR-1433-2025

Date of decision: 08.07.2025

XYZ (MINOR)

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Yagsimant Attri, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH. J.(Oral)

1. Instant revision petition has been filed after the bail application filed by juvenile/Child-in-conflict, having been dismissed by the Juvenile Justice Board, vide its order dated 24.02.2025.

Appeal filed against the said order with the plea of bail was also dismissed by the Appellate Court, vide its order dated 24.03.2025, hence petitioner, who is a juvenile/ Child-in-conflict with law and referred hereinafter as SK/XYZ has filed the instant revision petition.

2. Learned counsel for the petitioner contends that as per allegations in the FIR there are total three accused, namely Gurvinder Singh and one Gaurav, aged 18 years, who have been named along with the petitioner. Petitioner is aged about 16 years at the time of incident.

He further argues that co-accused Gaurav, who allegedly videographed the incident has already been released on regular bail by the Court below. Plea of bail of the petitioner has been dismissed by Juvenile Justice Board,



by observing that

“No doubt, the gravity of the offence is not to be seen but it is settled law that while dealing with plea of bail by child-in-conflict with law, the Court shall obtain and look into social investigation report and also the status of the family members and the related circumstances around him. The social investigation report of the child-in-conflict with law shows that he left the study when he was studying in 9th Class and the social and financial condition of the family is very bad as his family members are in the category of below poverty of line and it has already come in the social investigation report that the child-in-conflict with law Sxxxx always used to remain in bad society/company, therefore, child-in-conflict with law is required to be kept away from bad company.

7. In view of the social investigation report and his family background and the atmosphere around him, there are all chances, if at this stage, the bail is granted the same would be psychological danger. It will be relevant to mention here that in the case of juvenile the custody is not custody behind the bars, but is a protective custody, in which he is kept for his own benefit in order to avoid the chances of his being exposed to the person who are criminal minded and can effect adversely on his moral as well as psychological well being. Therefore, this Board is of the opinion that it would be in the interest of child-in-conflict with law Sxxx only, if he remains in protective custody. Considering foregoing facts and observations, second bail application moved on behalf of child-in-conflict with law Sxxxx, at this stage is hereby dismissed.”

3. Referring to the above observations made by the Appellate Court, counsel argues that such an observation cannot stand in law because poverty cannot be the basis to consider the plea within the parameters of Section 12 of the Juvenile Justice Act.



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Counsel further contends that the said observation has been confirmed by the next Court i.e. Appellate Court already. Practically there is no evidence available on record to conclude that the chances of the petitioner to come into contact with the bad society people is likely to be there for any substantial reason. In fact petitioner is residing with his family members which comprises of his parents also.

4. Taking note of all the circumstances and also noticing the age of the petitioner – CCL (age 17 years), this Courts deems it appropriate to consider the plea of bail at this stage.

5. Consequently, the order dated 24.02.2025, passed by passed Principal Magistrate, Juvenile Justice Board, as well as the impugned order dated 24.03.2025, passed by learned Additional Sessions Judge, Special Court, Kaithal are hereby **set-aside**. Accordingly, petitioner – **XYZ**, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record.

8. Petition stands disposed of.

It is, however, made clear that in case it is found that the parents of



the petitioner – CCL have failed to properly look after him, or that he has come into contact or company of any unsocial elements involved in criminal activities, it shall be open for the prosecution to move an appropriate application for cancellation of bail.

08.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No