



CRA-S-2921-2024 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

CRA-S-2921-2024 (O&M)  
Date of decision:01.09.2025

Dilshad and another

... Appellants

Vs.

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**Present: Mr. Abhimanu Jangra, Advocate  
for the appellants

Ms. Akshita Chauhan, DAG Haryana

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**Alok Jain, J. (Oral).**

1. The short issue involved in the present appeal is that the appellants are claiming themselves to be juvenile for which they had moved an application under Section 34 of Prevention of Children from Sexual Offences Act read with Section 94 of Juvenile Justice Act, 2015 (hereinafter referred to as 'the Act'). The said application came to be dismissed on the ground that the appellants themselves had submitted their Aadhar Cards and, therefore, they could not be permitted to challenge their own age.

2. However, learned counsel for the appellants submits that the Court below has relied upon Aadhar Cards alone as Aadhar Card is not a cogent proof of age and as per provisions of Section 94 of the Act, in the absence of the birth certificate and/or the matriculation certificate the only procedure available to the trial Court was to get the ossification test done.

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3. Learned State counsel has vehemently argued that there was a huge delay of more than two years after the trial had commenced, when the said application was filed. She, however, submits that there is no cogent evidence that the appellants were minor on the date of commission of the offence. More so, as of now much time has elapsed and the same would not bring forth any positive results. However, could not deny the settled principle of law with regard to procedure envisaged under Section 94 of the Act.

4. Heard learned counsel for the parties at length.

5. The procedure for determination of age provided under Section 94 of the Juvenile Justice Act, 2015 as relied upon by the counsel for the petitioner is reproduced as under :

***“Section 94. Presumption and determination of age.***

*(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.*

*(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—*

*(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;*

*(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;*



*(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:*

*Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.*

*(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.”*

6. Without entering into the merits of the case, the present petition is disposed of with a direction to the Court below to get the ossification test done of the appellants.

7. It is made clear that after ossification test report is submitted, it will be open to the trial Court to consider as to whether the appellants are to be tried as juvenile or as an adult.

8. Since the appellants are in custody, the ossification test be conducted within a period of one month from today and the report be placed before the trial Court to take appropriate decision within one month thereafter.

9. Pending application(s), if any, also stands disposed of accordingly.

**01.09.2025**

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**(ALOK JAIN)  
JUDGE**

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