



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

227

CRR-2336-2025

Date of Decision : 24.09.2025

YXXX SXXX @ YXXX

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

**CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present : Mr.Omkar Chauhan, Advocate and  
Mr. Ankit Gupta, Advocate  
for the petitioner.

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**SUBHAS MEHLA, J. (Oral)**

1. The present revision petition is for setting aside of order dated 04.09.2025 passed by learned Additional Sessions Judge, Kurukshetra whereby the appeal for the grant of regular bail in FIR No.40 dated 19.01.2025, under Sections 103(1), 109(1), 115, 190, 191(3), 3(5), 126(2), 309(6) of BNS, 2023 registered at Police Station Krishna Gate, Thanesar, District Kurukshetra has been dismissed.

2. Learned counsel for the petitioner contended that the present child-in-conflict-with-law was aged 16 years and 04 months at the time of alleged offence. No overt act is attributed to him except that he was present at the place of occurrence. There was no motive or reason to cause injuries by the child-in-conflict-with-law to the deceased. Learned trial Court has rejected his petition for grant of regular bail on the basis of social investigation report that he was in company of Himanshu, Keshav and Kalu who are behind the bars in the present case. The child-in-conflict-with-law



is a student of class IX as his father has already expired. If he remains in Observation Home, it will ruin his future prospects and his mother Sonia will take care of him if he is released from the custody.

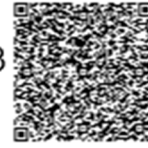
3. Notice of motion.

4. Mr. Karan Veer Singh, Sr.DAG, Haryana, accepted notice on behalf of respondent-State and opposed the contentions raised by learned counsel for the petitioner by submitting that the petitioner is in the bad company of co-accused who caused beating to the deceased with dandas and due to that reason, Ranjit Yadav succumbed to the injuries. Learned counsel has admitted that the co-accused with whom the present child-in-conflict-with-law is associated, is behind the bars and has not been released on bail.

5. Heard.

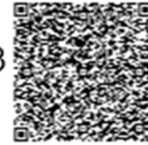
6. In the present case, the application for grant of bail has been rejected by the Court of Additional Sessions Judge on the ground that as per the social investigation report, the petitioner was under the adverse peer influence of Himanshu, Keshav and Kalu vide impugned order dated 04.09.2025. As the co-accused are in custody, so, after release there is no chance that the petitioner will come in contact with Himanshu, Keshav and Kalu. This Court fails to understand that if petitioner be released on bail how would he come in contact with co-accused who are behind bars. Secondly, there is no material available on record which shows that petitioner would be exposed to physical, psychological and moral danger as it is not a case that complainant and petitioner are residing in same area or village.

7. It is settled principle of law that bail to a juvenile cannot be denied on ground of gravity or seriousness of the offence and observations



of the 1<sup>st</sup> Appellate Court that petitioner will tamper with the evidence seems to be hypothetical. Child-in-conflict-with-law was 16½ years old at the time of commission of alleged offence. If he will remain confined in the Observation Home, it will diminish his future prospects and he will come in contact with other children-in-conflict-with-law, his envy is not to be channelised. Needs of a child and an adult are different. The petitioner is a student pursuing Class IXth. It is in his best interest that he attends regular school to observe him in mainstream. Moreover, the petitioner is not involved in any other criminal activity. Perhaps, learned Court below has been swayed by the gravity of offence but ends of justice in the context of Juvenile Justice Act is total different.

8. The purpose and object of the Juvenile Justice Act is to reform and rehabilitate the juveniles and not to punish them. The J.J. Act is based on the belief that children are the future of the society and in case, they go into conflict with law under some circumstances, they should be reformed and rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society. Section 12 of the J.J. Act is in consonance with the purpose and object of the Act, providing for mandatory bail to a juvenile in conflict with law unless the grounds as provided in proviso to Section 12(1) of the J. J. Act is/are present, so that child is re-united with his family at the earliest opportunity and the protection, development, reformation and rehabilitation of the child is ensured. Moreover, the spirit of the trite principal of law that *“Bail is a rule and jail is an exception”* is



reflected in the provision of Section 12 of J.J. Act, which is reproduced hereunder :

***“12. Bail of juvenile:***

*(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety [or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person] [ Inserted by Act 33 of 2006, Section 10 (w.e.f. 22.8.2006).] but he shall not be so released if there appear reasonable grounds 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.*

*(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.*

*(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.”*



9. The family is considered as the best and most desirable institution for ensuring welfare and rehabilitation of the child, if the family environment is conducive for the development of child. The release of the child-in-conflict-with-law would serve and promote the ends of justice better than detaining him in the Observation Home.

10. Therefore, taking into consideration the facts and circumstances of the present case and the fact that the present petitioner is in Observation Home for the last 08 months and trial will take sufficient time to conclude, no fruitful purpose would be served by keeping him in custody for any further period, as stated by learned counsel for the petitioner that he is student of Class IXth and further custody would ruin his future prospects, the present petition is allowed and petitioner is directed to be released on bail by the Juvenile Justice Board/Duty Magistrate on such conditions as it deems fit with a direction that quarterly report of Probation Officer be called and child-in-conflict-with-law be placed under supervision of the concerned Probation /Protection Officer.

11. Ordered accordingly.

**(SUBHAS MEHLA)**  
**JUDGE**

**24.09.2025**

*anju*

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