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

**CRA-S No.989 of 2025**

**Date of decision: 11.07.2025**

**Reserved on: 08.07.2025**

Dilpreet Singh ... Appellant  
Vs.  
State of Punjab ... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. J.S. Brar, Advocate,  
for the appellant.

Mr. Roshandeep Singh, AAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J.**

1. The instant appeal has been filed under Section 101 (5) of Juvenile Justice (Care and Protection of Children) Act, 2015 (For short "Act, 2015") challenging the order dated 24.10.2024 psased by Children Court whereby an application for grant of regular bail as filed by the appellant who is a juvenile, in case arising out of FIR No.88 dated 12.07.2023 registered under Sections 302 and 34 of IPC at Police Station Sadar Kotkapura, District Faridkot, had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Harbans Singh to the effect that he was a permanent resident of Village Aulakh, District Faridkot but was working

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as a labourer at Police Post Shergarh, District Hanumangarh. His son Gurgopal Singh was having love affair with Arshdeep Kaur daughter of Gurjit Singh. In January 2023, both of them had come to stay with the complainant. Arshdeep Kaur came back to his village four months thereafter. A Panchayat was convened and matter was compromised. Arshdeep Kaur had gone to her parents and the son of the appellant had come to him. He alleged that on 01.06.2023, his son and on 04.06.2023 he himself had gone to Rajasthan. His son came back to his village on 19.06.2023 and was staying with his relatives. In the morning of 12.07.2023, the complainant received information that his son had been murdered by Gurjit Singh and his family members including the appellant who is son of Gurjit Singh. The dead body of his son was taken by the police from the house of Gurjit Singh and it was deposited in the mortuary of Medical Hospital, Faridkot. On his statement, the aforementioned FIR was registered. The investigation proceedings were initiated. During investigation, the postmortem examination of dead body and inquest proceedings were conducted. The appellant was detained on 19.07.2023 and was produced before the Juvenile Justice Board. The co-accused Gurjit Singh was also arrested. Investigation now stands completed. Challan/report qua the appellant has been filed and he is facing trial before the Children Court. He moved an application for grant of regular bail which has been dismissed by the Court of learned Sessions

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Judge/Children Court vide order dated 24.10.2024.

3. It is argued by learned counsel for the appellant that the impugned order dated 24.10.2024 is not sustainable in the eyes of law as while passing the same, the learned Children Court ignored the fact that the complainant was not an eye-witness to the occurrence. The allegations in the FIR that the appellant along with co-accused had murdered the victim are based on hearsay. There is no direct evidence to the murder of the victim. The case is based on circumstantial evidence and there is no circumstance to connect the appellant with the crime. The appellant was 17 years, 2 months and 16 days old at the time of incident. He was entitled to benefit of bail under the proviso to Section 12 of the Act, 2015. However, while passing the impugned order, the learned Children Court did not consider this fact. The impugned order was passed without making any reference to the social investigation report. There was absence of any material on record to show that his release was likely to bring him into association of any known criminal or was likely to expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. He lacked the maturity to participate and comprehend the nature of offence alleged to committed by him. He was kept in Observation Home since 19.07.2023. The trial would take considerable time. No specific overt act has been attributed to him. It is, accordingly, urged that the impugned order is liable to be set aside. The

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appeal deserves to be allowed and the appellant deserves to be released on bail.

4. Written response/reply by way of affidavit has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the appellant who had actively participated in the occurrence along with his father and had committed murder of the victim by causing serious injuries to him. He was 17 years, 2 months and 16 days old on the date of occurrence and was having sufficient maturity and was fully competent to comprehend the consequences of the act done by him. The trial has commenced and there is nothing to show that there would be any undue delay in conclusion thereof. It is, therefore, argued that the appeal does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The appellant was undisputedly below the age of 18 years as on the date of occurrence. The moot question that falls for consideration before this Court is as to whether the impugned order is within the four corners of Section 12 of the Act, 2015? This Section postulates rule for grant of bail to every child in conflict with law, who is alleged to have committed a bailable or non-bailable offence, if he is apprehended or detained by the police and is being produced before the Board. As per

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this section, 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 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.

7. 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 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)*

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*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 vs. Raju through Member, Juvenile Justice Board and another, 2013 (4) RCR (Criminal) 131*, wherein similar observations were made.

8. It may also be observed that the well settled proposition of law is that though the provisions of the Act, 2015 are meant to treat a child in conflict with law with care and sensitivity offering him a chance to reform and settle into the mainstream of society, however, the same cannot be allowed to be used as a ploy to dupe the course of justice while conducting trial and treatment of heinous offences as that would clearly be treated as an effort to weaken the justice dispensation system and hence, should not be encouraged. The object of the Act, 2015 is to achieve not only the welfare and betterment of juvenile by extending him services of reformatory nature but also to address the concern of society

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at large and as such, striking balance is necessary while considering the matter of bail of a juvenile from the angle of not only the interest of the child but demand of justice to the victim as well and the fact that a juvenile can be denied concession of bail in case the exigencies as specified in the proviso to Section 12 of the Act, 2015 are shown to be existing. Now coming to the peculiar facts of the present case. As per the allegations, on the night of 11.07.2023, the victim Gurgopal Singh while carrying a kirch had entered inside the house of Arshdeep Kaur and the appellant by jumping over the wall. He was nabbed by Gurjit Singh and the appellant and was taken inside a room. He was tied with a rope and was assaulted and had been killed. The Juvenile Justice Board, Faridkot had conducted preliminary assessment of the appellant under the provisions of Section 15 of the Act and had passed order dated 10.11.2023 to the effect that the appellant could have ability to understand the consequences of the alleged offence. However, neither in this order nor in the impugned order, there is any mention of the fact that any social investigation report of the appellant was filed before the Board and as per the said report, there was definite information that the release of the appellant on bail was likely to bring him into association with any known criminal or expose him to any moral, physical or psychological danger or his release on bail would defeat the ends of justice.

9. Undisputedly, the gravity of the offence and charges has to be

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seen while granting anticipatory bail or regular bail to an accused, however, in case of grant of bail under the provisions of the Act, 2015, there is complete departure to the same as the ingredients mentioned under Section 12 of the Act, 2015 are to be adhered to in this regard and as discussed above, the merit and nature of the offence is not relevant for the purpose. The basic object of the provisions of the Act, 2015 is to provide care, protection, treatment and rehabilitation to juvenile in conflict with law. 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 enlarged on bail, except in the circumstance as enumerated in the proviso thereof. On considering the order passed by the Children Court on the anvil of the ingredients for grounds of rejecting/granting the bail, I am of the opinion that there is no reference therein to the social investigation report. There is also nothing to show that the release of the appellant on bail would bring him into association of any known criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice. The Children Court without having any material on record to come to the conclusion that the above said ingredients were satisfied, proceeded to decline the prayer of the appellant in this regard. The observations made therein, however, are not based on any cogent material in reference to proviso to Section 12 of the Act, 2015. As

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observed above, there is no reference to submission of any social investigation report therein except the personal information expressed by the Children Court to the effect that the allegations are serious in nature, there is nothing on record to suggest that the release of the appellant on bail would face wrath and outrage from the members of the society or would defeat the ends of justice or it would bring the appellant into association with any known criminal or expose him to any moral, physical or psychological danger. As already discussed, in case of a juvenile, the gravity of the offence cannot be mentioned as a ground for rejection of bail. The learned Children Court was required to observe that there was some material on record on the basis of which it could be said that release of the juvenile on bail would fall within the exceptions recognized under Section 12 of the Act, 2015, however, the impugned order does not mention so. It is not the case of the appellant that the relationship of the appellant with his family members is not normal. In the given facts and circumstances, in my considered opinion, the impugned order rejecting the prayer made by the appellant is inappropriate as it is not shown to have exercised the jurisdiction vested in them in terms of the object of the Act, 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

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the offences. Accordingly, the appeal is accepted. The impugned order is set aside and the appellant is ordered to be released on bail. He has attended majority now. His release shall be subject to furnishing of personal bonds and surety bonds of two sureties of the like amount each to the satisfaction of the Children Court.

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

**(MANISHA BATRA)**  
**JUDGE**

**11.07.2025**  
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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No