



**120+235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-39373-2025 in/and
CRA-S-860-2025 (O & M)
Date of decision: 13.10.2025**

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...APPELLANT

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Ashit Malik, Advocate for the appellant.

Mr. Karan Veer Singh, Senior DAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

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Allowed as prayed for.

Annexures A-3 and A-4 are taken on record subject to all just exceptions.

CRA-S-860-2025

1. Present appeal has been preferred by the appellant assailing the order dated 17.01.2025 passed by learned Additional Sessions Judge, Kurukshetra, whereby, the prayer to release the appellant on regular bail has been declined in FIR No.468 dated 26.12.2023 under Sections 148, 149, 302, 323, 324 of Indian Penal Code, 1860 (for short 'IPC') (later on Sections 326, 201 of IPC and 25 of Arms Act, 1959 were added) registered at Police Station Pehowa (Police Station Sadar is mentioned in Challan as well as in the impugned order), District Kurukshetra.



2. Learned counsel for the appellant contended that the juvenile/appellant has completed his matriculation and he was kept in observation home; he will continue his study while staying with his uncle (*phoopha*), namely, Mohinder Singh and an affidavit of Mohinder Singh as well as father of the appellant is filed before this Court; so if the appellant is released on bail, he will not come in association of a known criminal and there is no physical, psychological danger to appellant/juvenile.

3. Learned State counsel assisted by ASI Parveen stated that he has no objection if the juvenile/appellant stays in a different village with his uncle (*phoopha*), there is no probability of his physical harm and co-accused, who is cousin of the appellant/juvenile is already in jail.

4. This Court has heard learned counsel for the parties.

5. The present appeal is filed by father of the appellant, so taking into consideration the facts and circumstances of the case, the social investigation report, this Court finds merit in the present appeal.

6. The Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'J.J. Act') is based on the belief that children are the future of the society and in case, they go in conflict with law under some circumstances, they should be reformed, 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



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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.”

7. Therefore, in view of the aforesaid discussion, the instant appeal is allowed. Juvenile Justice Board/trial Court is directed to release the appellant on regular bail on furnishing requisite bonds to the satisfaction of the Juvenile Justice Board/trial Court concerned by his father with an undertaking



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that he will take care of the appellant and shall not allow him to accompany anti-social elements and produce him before the trial Court/juvenile Justice Board as and when required.

8. The Juvenile Justice Board/trial Court is also directed to explore the possibility, if required any counselling and direct the appellant to appear before the concerned legal services authority and they will provide him counsel as per the schedule if any.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

10. Pending miscellaneous application(s), if any, also stand(s) disposed of.

October 13, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |