



2026:PHHC:027132

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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

**CRR-2770-2025 (O&M)
Reserved on: 18.02.2026
Pronounced on: 20.02.2026
Uploaded on: 20.02.2026**

MINOR NXXXX

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

Ms. Kanica Sachdeva, DAG Haryana.

SHALINI SINGH NAGPAL, J.

1. Revisionist seeks setting aside of order dated 22.08.2025 of learned Principal Magistrate Juvenile Justice Board, Palwal in bail application filed by him and order dated 19.09.2025 of learned Additional Sessions Judge-cum-Special Court POCSO Cases, Palwal, dismissing his appeal against the order dated 22.08.2025.

2. The facts, as per FIR No. 593 dated 18.07.2024 under Sections 64/96(b)/137(2)/332(b) BNS, Section 4 POCSO Act, 2012, Police Station Camp Palwal are that on 17.07.2024, prosecutrix 'V', aged 15 years, who was a student of Class 11, left home for School at around 8.30 AM but did not return, whereupon unsuccessful efforts were made to trace her. Complainant-father of

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the prosecurix learnt that the CICL, a student of the same Class, was also missing. FIR was registered on his suspicion that his daughter 'V' was enticed away by CICL. The victim was recovered and her statement was recorded, on the basis of which offences under Sections 64, 96, 137(2), 332(b) Bharatiya Nyaya Sanhita, 2023 and Section 4 POCSO Act 2012 were added. CICCL was apprehended in the case on 02.08.2024. He moved an application for bail, which was declined by learned Principal Magistrate Juvenile Justice Board, Palwal on 13.11.2024. Appeal filed against the said order was also dismissed on 08.04.2025 by learned Additional Sessions Judge-cum-Special Court (Fast Trac) POCSO, Palwal. Second application for bail was then filed, which learned Principal Magistrate, Juvenile Justice Board, Palwal declined vide impugned order dated 25.08.2025 on the ground that release of the juvenile would defeat the ends of justice. Thereafter, the appeal under Section 101 read with Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 was filed against the order dated 25.08.2025, which was dismissed on the ground that the sentence prescribed for the offences allegedly committed by the CICL were grave and considering the evidence, which was on record, stage of enquiry, it was likely that the CICCL may abscond the process of law if released on bail, thus defeating the ends of justice. Order dated 22.08.2025 of learned Principal Magistrate Juvenile Justice board, Palwan was upheld.

3. Learned counsel for the petitioner submits that prosecutrix and the CICL were both of tender age, classmates and were in a relationship. Learned Principal Magistrate Juvenile Justice Board, Palwal and learned Additional



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Sessions Judge-cum-Special Court POCSO Cases, Palwal erred in declining the prayer for bail of the Child in conflict with law against the statutory provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015. There was no material on record to hold that the release of the petitioner on bail would defeat the ends of justice. Prosecutrix had since been examined in the case and the CICL was in confinement for the last more than 01 and half years. His further detention was not warranted as none of the grounds enumerated in Section 12(1) of Juvenile Justice (Care and Protection of Children) Act, 2015 existed. As such, the CICL deserved to be enlarged on bail.

4. Learned State counsel has supported the order of learned Principal Magistrate Juvenile Justice Board, Palwal and learned Additional Sessions Judge-cum-Special Court POCSO Cases, Palwal submitting that the allegations against the CICCL were serious. There was no ground to differ with the observations of both the Courts that his release would defeat the ends of justice.

5. In ***Re Exploitation of Children in Orphanages Vs. Union of India and others (2020) 14 SCC 327***, Hon'ble Supreme Court observed as under:-

“5. The Juvenile Justice (Care and Protection of Children) Act, 2015, (hereinafter referred to as "the Act") is a special enactment meant for protection of children. Section 10 of the Act lays down that when any child alleged to be in conflict with law is apprehended by the police, such child should be placed under the charge of the special juvenile police unit or the designated Child



Welfare Officer. Section 10 further provides that such authority should produce the child before the Juvenile Justice Board without any loss of time, but not more than 24 hours after the child is apprehended. The proviso to the section clearly lays down that a child alleged to be in conflict with law shall not be placed in a police lock-up or lodged in a jail.

6. *Once a child is produced before Juvenile Justice Board, bail is the rule. Section 12 of the Act reads as follows:*

'Section 12. Bail to a person who is apparently a child alleged to be in conflict with law.--(1) When any person, who is apparently a child and is alleged to have committed a bailable or known-bailable offence, is apprehended or detained by the police or appears or 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 person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the 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, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

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

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

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.'

7. Sub-Section (1) makes it absolutely clear that a child alleged to be in conflict with law should be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person. The only embargo



created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied for reasons to be recorded in writing. Even if bail is not granted, the child cannot be kept in jail or police lock-up and has to be kept in an observation home or place of safety.

8. *All Juvenile Justice Boards in the country must follow the letter and spirit of the provisions of the Act. We make it clear that the Juvenile Justice Boards are not meant to be silent spectators and pass order only when a matter comes before them. They can take note of the factual situation, if it comes to the knowledge of the Juvenile Justice Boards that a child has been detained in prison or police lock-up. It is the duty of the Juvenile Justice Boards to ensure that the child is immediately granted bail or sent to an observation home or a place of safety. The Act cannot be flouted by anybody, least of all the police.”*

6. The use of the word 'shall' in sub-section (1) of Section 12 of the Act, 2015 is of great significance and raises a presumption that the particular provision is imperative.

7. Section 26 of IPC defines the expression "Reason to believe". It reads that a person is said to have a "reason to believe" a thing, if he has sufficient cause to believe such thing but not otherwise. In view of Section 26



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of IPC, if there is sufficient cause to believe, reason to believe exists. The expression "reason to believe" excludes a mere suspicion. The word 'believe' is a much stronger word than 'suspect'. The words 'reasonable grounds to believe' used in Section 12 of the Act, 2015 means something more than a prima facie ground.

8. In **Manmohan Singh v. State of Punjab, PLR (2004) 136 P&H 497** it was observed as under:-

“7.....The reasonable grounds for believing that his release is likely to bring 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, should be based upon some material/evidence available on the record. It is not a matter of subjective satisfaction but while declining bail to the juvenile on the said ground, there must be objective assessment of the reasonable grounds that the release of the juvenile is likely to bring him in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice...”

8. In **Sanjay Kumar Vs. State of U.P. Cril.J.; (2003) CriLJ 2284**, it has been held by the Allahabad High Court that every juvenile whatever offence he is charged with, shall be released on bail but he may, however, be refused bail if there appears reasonable ground for believing that the release is likely to bring



him into association with the any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice and that the existence of such ground should not be mere guess work of court but it should be substantiated by some evidence on record.”

9. Section 13(1)(ii) of the Act, 2015 provides that the Probation Officer/Child Welfare Officer shall submit a social investigation report within two weeks from when a child is apprehended or brought to the Board, containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry. The "social investigation report" which has been defined in Rule 2(xvii) of The Juvenile Justice (Care and Protection of Children) Model Rules, 2016, means report of a child containing detailed information pertaining to the circumstances of the child, the situation of the child on economic, social, psycho-social and other relevant factors, and the recommendation thereon. The purpose behind this provision is to enable the Juvenile Justice Board to get a glimpse of the social circumstances of the child before any order regarding bail or of any other nature is passed.

10. From the statutory provisions it comes out that intention of the Legislature is that bail be allowed to the CICL irrespective of the nature and gravity of offence. There is a presumption of innocence in favour of the CICL, who is presumed to be devoid of any *mala fide* or criminal intent upto the age of 18 years. It is in the best interest that the child is nurtured, cared and



protected by his biological family, so that he can develop to his full potential. It is for this reason that before taking a decision on bail of the CICL, the Board/Court concerned reflects on the social investigation report to get an insight of the social circumstances of the child. Neither learned Principal Magistrate Juvenile Justice Board, Palwal nor the Court in appeal made a reference to the social investigation report prepared by the probation officer on 14.01.2025.

11. The social investigation report sought by this Court reveals that the Child in Conflict with Law belongs to a humble background. His father is a labourer. He has five siblings. His relationship with all his family members was cordial and general attitude was normal. His behaviour with others is also stated to be normal, though he is revealed to have no interest in studies. There was no complaint against the CICCL in the village or in the neighbourhood and his general conduct and character was normal. Orders dated 22.08.2025 and 19.09.2025 of Principal Magistrate Juvenile Justice Board, Palwal and learned Additional Sessions Judge-cum-Special Court POCSO Cases, Palwal have been passed without taking into consideration the social investigation report and without making an objective assessment on the reasonable grounds for rejecting the bail application. Neither gravity of the offences prescribed for the offence, nor the evidence led nor the stage of enquiry are relevant considerations while determining the plea of bail of CICCL. It is not enough to say that release of the CICL would defeat the ends of justice. In view of the social investigation report and the admitted fact that there is no criminal history of the revisionist-CICL or

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his parents, learned Additional Sessions Judge-cum-Special Court POCSO Cases, Palwal could have no grounds to believe that release of the Revisionist-CICCL was likely to defeat the ends of justice. The Courts below have failed to appreciate the position of law correctly while declining the prayer for regular bail. As such, orders dated 22.08.2025 of learned Principal Magistrate Juvenile Justice Board, Palwal and 19.09.2025 of learned Additional Sessions Judge-cum-Special Court POCSO Cases, Palwal being unsustainable are hereby set aside. Revisionist-‘child in conflict with law’, is ordered to be released on regular bail on his furnishing bail/surety bonds through his guardian to the satisfaction of learned trial Court/Principal Magistrate Juvenile Justice Board/Duty Magistrate concerned.

12. Pending CRM(s), if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

Reserved on: 18.02.2026

Pronounced on: 20.02.2026

Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No