



2026:PHHC:004908



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

244

CRR-2259-2024

Date of decision: 13.01.2026

SANDEEP SINGH ALIAS SEEPA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Arpandeeep Narula, Advocate with
Mr. Piyush Mittal, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

Mr. Aditya Sanghi, Advocate with
Mr. Sandeep Vashisht, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed challenging the order dated 15.10.2024 passed by the Principal Magistrate, Juvenile Justice Board, Sirsa whereby regular bail had been granted to respondent No.2-Harjinder Singh @ Gullu in case FIR bearing No. 178 dated 10.06.2024 registered under Sections 147/148/285/452/302/120-B & 216 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959.

2. Learned Counsel appearing on behalf of the petitioner contends that the aforesaid FIR pertaining to death of Devender @ Gaggu was registered on the statement of the petitioner, which reads thus:-

“xxxxxxx I am resident of above noted address and I am agriculturist by occupation. I have friendly relations with Devender Singh alias Gaggi son of Gurjant Singh resident of village Gadrana and we usually remain together. I and Devender go for morning walk with each other on daily basis. Today at around 6.00-7.00 AM, I and Devender Singh alias Gaggi son of Gurjant Singh resident of Gadana were coming back towards the house of Devender after morning walk and when we turned in street towards the house of Gaggi, then driver of one car brought his car in a over speed & Rash manner & hit his said car on the person of Devender @ Gaggi with the aim to kill him and due to hit by the car, Devender @ Gaggi fell down towards one side, then two cars and motorcycles came there, two persons were riding on motorcycle and 10-12 persons came out from the cars, they were armed with Pistols, Swords and Kaapas, then, Gurwinder Singh alias Guri S/o Jagga Singh resident of Takhatmal and Gurdeep Singh @ Gaggi son of Toti Singh resident of Gadrana got down from their motorcycle and Harjinder Singh alias Gullu son of Jagga Singh, Savraj Singh @ Mandar Singh residents of Takhatmal, Charanjit Singh @ Channi resident of Jodhpur Bhakhar, Punjab, Manpreet Singh son of Raja Singh resident of Jagmalwali, Gurmeet Singh @ Geeti resident of Gadrana, Beant Singh Sarpanch son of Labh Singh, Kuldeep Singh son of Kaur Singh, Sukhraj Singh @ Kala son of Mahender Singh, Karanvir Singh alias Karni son of Sukhraj Singh alias Kala, Harpal Singh alias Kala son of Balbir Singh, Jasvir Singh son of Hardeep Singh residents of village Gadrana and Harjinder Singh son of unknown resident of village Khokhar and 5-7 more persons alighted from the car. Gurwinder Singh @ Guri has raised Lalkara and told his associates that to kill Devender @ Gaggi and Sandeep Singh, then Gurwinder Singh and Gurdeep Singh alias Gaggi, Charanjit Singh alias charni, Harjinder Singh alias Gullu, all four armed with pistols, Gurmeet Singh@

Geeti was armed with Sword, Beant Singh Sarpanch was armed with Danda and the remaining persons were also armed with Swords. Devender @ Gaggu rushed towards the street then all these persons also run behind Devender @ Gaggu with the aim to kill him and Devender @ Gaggu to save his life has gone through the roofs of houses and tried to hide himself in the house of Jagsir Singh S/o Jaggar Singh, resident of Gadrana, then all the above said persons have encircled Devender @ Gaggu in the house of Jagsir Singh and have attacked to him with pistols and Swords with the aim to kill him, due to which Devender @ Gaggu received injuries on his head, hands and other parts of his body, then said all the assailants made firing in the air and while going they were saying that today Sandeep got saved, in future we will also kill him. All the assailants ran away from the spot along with their weapons in the respective vehicles. One motorcycle and Khanda are lying at the spot. Later on I gave information about it to my known persons, we arranged Ambulance and got Devender @ Gaggu in Government Hospital MandiKalawali, where the doctors have declared him to be dead. The motive behind the incident is that Devender @ Gaggu is witness in a case against Sukhraj Singh@ Kala, due to which, all the assailants have committed the murder of Devender @Gaggu. Therefore, legal action be taken against the accused persons. Statement got recorded, heard same is correct. Today in Government Hospital Kalawali, Sd/- Sandeep Singh”.

3. Learned counsel submits that respondent No.2, namely Harjinder Singh @ Gullu, son of Jagsir Singh, was nominated as an accused in the case and that a pistol of .32 bore along with 2 magazines and 4 cartridges was recovered from his possession. It is further contended that as many as more than 7 gunshots were fired at the deceased, Devender Singh

@ Gaggi. He submits that vide the order dated 15.10.2024, the respondent No.2 CCL was granted bail by referring to Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015. The operative part of the order reads thus:-

7. *Section 12 of Juvenile Justice (Care and Protection of Children), Act, 2015 read as under:-*

"Section 12 Bail to 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 Board, such person shall, notwithstanding anything containing 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 but he shall not be so released if there appears reasonable grounds for believing that 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.

8. *From the provisions of Section 12 of Juvenile Justice Act, it is established while granting bail to the juvenile, gravity of offence is not to be taken into consideration. However, it has to be seen if the juvenile is released on bail, his release should not bring him in association with the persons of criminal nature or it should not expose him to physical, moral or psychological danger or his release should not defeat the interest of justice.*

9. *In present case, CCL, was apprehended on 22.06.2024 and since then he is in protective custody. In the reply filed by the prosecution It has not been mentioned that if CCL is released on bail then his release can bring him into association with criminal or expose him to moral, physical or psychological danger and that his release would defeat the ends of justice. The*

bail application has been opposed on the ground that seven cases including the present case are registered against the CCL. However, the prosecution has not mentioned the fate of these cases as the counsel for CCL placed on file order dated 29.08.2023 of Juvenile Justice Board, Sirsa vide which CCL was absolved of the notice of accusation in FIR No.191 dated 30.06.2022. Similarly, in FIR no.19 dated 16.01.2023 CCL. has been discharged by the Juvenile Justice Board vide order dated 13.09.2023. CCL has not been convicted in any of the cases and he can not denied the benefit of bail only on the ground of pendency of other cases against him. The inquiry report has been submitted in the present case. Therefore, with these observations, the C.C.L. is granted concession of bail on his furnishing bail bonds in sum of Rs.30,000/-with one surety in like amount along-with undertaking to be given by his mother that she shall keep the C.C.L. under proper care & custody and will bring him before the Board on every date. The requisite bonds not furnished.”

4. Assailing the aforesaid order, Counsel for the petitioner contends that although bail to a juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act is to be generally granted, however, the same is to be denied where there exist reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal, or expose him to moral, physical, or psychological danger, or that such release would otherwise defeat the ends of justice. He contends that the Juvenile Justice Board has failed to take into consideration the said relevant factors, as were essential to be noticed, in its true spirit. It is submitted that Jagsir Singh-father of the respondent No.2-Harjinder Singh @ Gullu is involved in as many as 17 cases, the details

whereof are tabulated as under:-

Sr. No.	FIR No.	Dated	U/S	PS
1	128	18.06.2018	21 of NDPS Act, 1985	Kalanwali
2	15	20.01.2018	25 of Arms Act, 1959	Kalanwali
3	20	03.02.2018	25 of Arms Act, 1959	Kalanwali
4	232	22.08.2016	25 of Arms Act, 1959	Kalanwali
5	81	03.07.2010	307, 341, 382, 324, 148 & 149 of IPC, 1860	Rama Mandi
6	67	07.05.2011	148, 149, 323 & 365 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
7	41	07.03.2013	148, 149, 323 & 365 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
8	322	11.11.2014	399 & 402 of IPC, 1860	Kalanwali
9	235	26.08.2016	25 of Arms Act, 1959	Kalanwali
10	224	13.08.2016	302, 120-B & 34 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
11	181	19.11.2015	147, 148, 149, 323, 341 & 506 of IPC, 1860	Badagudha
12	100	23.08.2012	398 & 401 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
13	106	17.05.2019	323, 341, 148, 149 & 120-B of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
14	341	18.06.2018	365, 511, 170 & 171 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali
15	19	18.06.2018	148, 149, 302, 307, 216 & 427 of IPC, 1860 & 25 of Arms Act, 1959	Kalanwali

16	21	18.06.2018	186, 332, 353 & 307 of IPC, 1860 and 25 of Arms Act, 1959	Kalanwali
17.	08	18.06.2018	25 of Arms Act, 1959	Jourkian

5. It is further submitted that the father of the juvenile is presently lodged in Central Jail, Tihar. Learned counsel contends that even the mother and brother of the juvenile in conflict with law stand nominated as accused in the murder of Devender @ Gaggi and are presently absconding. Hence, there is no other member of the family available to exercise supervision or care over the juvenile. He contends that the Juvenile Justice Board has also failed to take judicial notice of the fact that the respondent No.2 Juvenile in conflict with law was already involved in as many as 07 other cases, as on the date when bail was granted to him.

6. It is contended with vehemence that even after being granted the concession of bail, the respondent No.2-accused absconded and did not appear before the Court during the course of proceeding and that during the period of bail, he got involved in two additional criminal cases, one registered at Kalanwali and the other at Budhlada, Punjab. He thus submits that the aforesaid circumstance clearly demonstrate that respondent No.2-accused is being exposed to association with known criminals and to moral, physical as well as psychological danger. His continued involvement in criminal activities, while on bail clearly establishes such exposure and indicates that the social rehabilitation of the respondent No.2-accused, under the above said circumstances, is not likely. The socio-economic circumstances of the respondent no. 2-accused, wherein his father is already

a hardened criminal and is lodged in jail while his mother and brother are also involved in criminal offences and are on the run, shows that his activities cannot be kept under any check.

7. Counsel for the respondent-State does not dispute the facts as aforesaid and submits that the respondent No.2-Harjinder Singh @ Gullu is in fact involved in as many as 13 other cases which are detailed out as under:-

1. FIR No.191, dated 30.06.2022, under section 25 Arms Act and sections 323/34/285/201 IPC, PS Kalanwali, in which he was acquitted on 01.03.2023.

2. FIR No.142, dated 31.10.2023, under section 25 Arms Act and sections 323/34/285/201 IPC, PS Raman Mandi, Punjab, which is pending for trial for 04.12.2025.

3. FIR No.19, dated 16.01.2023, under section 25 Arms Act and sections 148/149/302/307/427/472/120-B/216 IPC, PS Kalanwali, which is pending for trial for 34.01.2026.

4. FIR No.265, dated 30.08.2023, under section 25 Arms Act and sections 147/148/149/285/323/452/506 IPC, PS Kalanwali, which is pending for trial for 30.01.2026.

5. FIR No.330, dated 20.09.2023, under section 25/54/59 Arms Act, PS Kalanwali, which is pending for trial for 10.12.2025.

6. FIR No.178, dated 10.06.2024, under sections 147/148/452/302 IPC and 25/54/59 Arms Act, PS Kalanwali, which is pending for trial for 09.12.2025.

7. FIR No.242, dated 12.12.2024, under sections

109/132/221/190/191 (3) BNS, PS Budhiada, Punjab, which is pending for trial.

8. FIR No.177, dated 27.07.2025, under section 25 (1-3) Arms Act, PS Kalanwali, which is pending for trial for 05.01.2026.

FIR No.6, dated 10.01.2024, under sections 386/34 IPC, PS Talwara, District Hanumangarh, Rajasthan, which is pending for trial.

10. FIR No.189, dated 26.08.2023, under section 25 (1-B) Arms Act, PS Kalanwali, which is pending for trial.

11. FIR No.185/2023, under sections 8/21/29 NDPS Act, PS Rawatsar, Rajasthan, in which he is absconding.

12. FIR No.5, dated 13.01.2024, under section 307/342/427/34 IPC, PS Raman Mandi, Punjab, in which he is declared PO on 05.08.2025.

13. FIR No. 95/2025 under the NDPS Act at Police Station Rodi, District Sirsa.

8. It is submitted that as a matter of fact 03 criminal cases have been registered against the respondent No.2 after the order dated 15.10.2024 granting him bail. The said cases include offences under Section 109 of the Bharatiya Nyaya Sanhita; Section 25(1-B) of the Arms Act, 1959 and even under the NDPS Act. Thus, the nature of involvement clearly demonstrates that respondent No.2 is not only involved in multiple criminal cases, but is also engaged in offences of diverse and heinous character. Respondent-State supports the case of the petitioner in seeking setting aside of the order granting bail to the petitioner.

9. Mr. Aditya Sanghi, Advocate enters appearance on behalf of

respondent No.2-Harjinder Singh @ Gullu. He raises the following arguments:-

i) That the present petition would not be maintainable in as much as the petitioner has an efficacious remedy to approach the Children's Court by way of an appeal under Section 101 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

ii) All the relevant factors had been duly taken into consideration by the Principal Magistrate Juvenile Justice Board while granting the concession of bail including the social investigation report and that the statutory obligation cast upon the Court under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is to grant bail as a rule, and that the principles embodied therein have been adhered to by the learned Principal Magistrate.

iii) He further contends that respondent No.2-accused absented from the proceedings on account of the fear generated as other witnesses to the incident had been given beatings. Besides, the respondent No.2-child in conflict in law is also being threatened by the persons/associates of the petitioner herein.

iv) Counsel further contends that since the petitioner is involved in other cases and is already in custody, as such, he is not entitled to seek cancellation of bail granted to respondent No.2-Harjinder Singh @ Gullu.

10. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.

11. It would also be relevant to refer to the proceedings that took place in the present petition. The matter had been initially listed for hearing on 13.11.2024 when notice of motion was issued. The same reads thus:-

“By way of the present revision petition, challenged is made to the impugned order dated 15.10.2024 passed by the learned Principal Magistrate, Juvenile Justice Board Sirsa, allowing the regular bail to respondent No.2 in case FIR No.178 dated 10.06.2024, registered under Sections 147, 148, 285, 452, 302, 120-B & 216 IPC at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner inter alia submits that respondent No.2-juvenile is a habitual offender, who has been involved in as many as seven criminal cases till date and is a junior gangster in the making, as his father is history-sheeter. The father of respondent No.2 has his involvement in as many as 18 criminal cases and his real brother namely Gurwinder Singh @ Guri is also involved in the criminal cases by name in the FIR No.178 dated 10.06.2024 (Annexure P1) itself. He further submits that the mother of respondent No.2 is also arrayed as an accused in the said FIR No.178 dated 10.06.2024 and she is still absconding. He further submits that if respondent No.2 released on bail in the said FIR No.178, he will certainly bring him into association with criminals.

Notice of motion.

At the asking of the Court, Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of respondent No.1-State and prays for time to file response.

Adjourned to 13.01.2025.

Respondent No.2 will be served through the SHO concerned.”

12. As the whereabouts of respondent No.2 were unknown, hence, Superintendent of Police, Sirsa was directed to ensure presence of respondent No.2-Harjinder Singh @ Gullu before this Court failing which an affidavit was required to be filed by him giving reasons for failure to ensure production. The order dated 06.11.2025 reads thus:-

“Harjinder Singh @ Gullu is stated to be absconding from Observation Home, Karnal and Jagsir Singh @ Jagga, the natural guardian who raised him, is informed to be lodged in Tihar Jail.

The SHO had been directed to effect service on respondent No.2, however, it is informed by the State Counsel on instructions from Sub-Inspector Krishan Kumar that Harjinder Singh @ Gullu has not been living in the Village since 2023 and that his whereabouts are not known. It is further informed that the house has been sealed by NIA. It is also informed that the accused is not residing at the said address since 2023, however, even then at the time of registration of FIR as well as at the time of filing of the final report, the respondent-State failed to make any report with respect to the place of residence of the accused persons. It seems that a very casual approach has been adopted by the police in not even verifying where the accused persons are residing and as to whether, they can be served at the address so disclosed or not.

The respondent-State is accordingly directed to file a status report with respect to the whereabouts of Harjinder Singh @ Gullu, who is stated to be accused in as many as 08 cases including 01 after registration of the instant FIR and whose father is lodged in Tihar Jail for being involved in as many as 18 cases. The details of the

other cases against Harjinder Singh @ Gullu are extracted as under:-

"(1) FIR No. 191, dated 30.06.2022, under sections 285/323/201/34 IPC, PS Kalanwali

(2) FIR No.19, dated 16.01.2023, under sections 149/302/307/120-B/216/427/472 IPC and 25. Arms Act, PS Kalanwali.

(3) FIR No.265, dated 30.08.2023, under 147/148/149/285/323/452/506 IPC, PS Kalanwali. sections

4) FIR No.330, dated 20.09.2023, under sections 25/54/59 Arms Act, PS Kalanwali.

(5) FIR No.142, dated 31.10.2023, under sections 384/120-B IPC and 25 Arms Act. PS Rama Mandi, Punjab.

(6) FIR No.5, dated 13.01.2024, under sections 307/341/427/120-8/34 IPC, PS Rama Mandi, Punjab."

It is evident from the perusal of the same that the said offences range from murder to extortion and attempt to murder.

In the event of the failure by the police to secure presence of Harjinder @ Gullu before this Court on the next date of hearing, the Superintendent of Police, Sirsa shall file his affidavit giving details of the exercise undertaken and the reasons for failure to ensure production.

List on 03.12.2025.

13. When the matter was taken up on 03.12.2025, learned State counsel informed that the whereabouts of the Juvenile have been traced, however, on account of failure to obtain the production warrants, they could not produce respondent No.2-Harjinder Singh @ Gullu before this Court.

They also informed that the respondent No.2 was in custody and confined to Tehsil Jail, District Hanumangarh, in relation to offences committed by him.

14. The matter was accordingly adjourned for today. The respondent No.2-Harjinder Singh @ Gullu has been produced before this Court on production warrants.

15. Without disputing the salutary objective behind the Juvenile Justice (Care & Protection of Children) Act, 2015 which is intended to provide protection & safeguards to children in conflict with law and to ensure their protection, development and social integration by providing a caring and protective environment, yet, there is an obligation cast upon the State as well as the Court to secure the best interests and overall well-being of the child in conflict with law.

16. It is not in dispute that Section 12 mandates that a child alleged to be in conflict with law is required to be released on bail, however, the proviso thereto specifies that the bail may be denied under following circumstances:-

- i) When the release is likely to bring that person in to association with any known criminal; or
- ii) Expose the said person to moral, physical or psychological danger; or
- iii) The person's release would defeat the ends of justice.

17. Hence, a bail to a child in conflict with law may be denied in the event of existence of any of the aforesaid three circumstances. A Court,

while dealing with an application for grant of bail, is required to satisfy itself to the conditions specified in the proviso and to rule out existence of the said circumstances before directing release of a child in conflict with law on bail. The same has been reiterated by the Hon'ble Supreme Court in the case of ***In Re Exploitation of Children in Orphanages in the State of T.N.***, reported as (2020) 14 SCC 327. The relevant extract thereof reads thus:

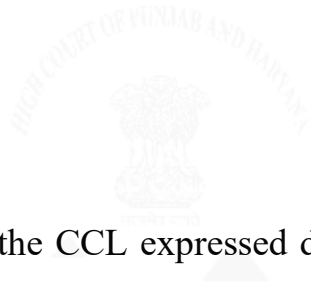
7. Sub-section (1) makes it absolutely clear that a child alleged to be in conflict with law should be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person. The only embargo created is that in case the release of the child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

(emphasis supplied)

18. The order passed by the Juvenile Justice Board has also been perused. The Board has granted the concession of bail primarily on the premise that, in its reply, the prosecution had not specifically averred that, in the event of release on bail, the child in conflict with law is likely to come into association with known criminals or be exposed to moral, physical or psychological danger or that such release would defeat the ends of justice. It is further recorded by the Principal Magistrate that the respondent is involved in 07 other cases, however, the fate of the cases had not been

placed on file. Noticing further that the child in conflict with law had not been convicted in any of the said cases, the Principal Magistrate concluded that he could not be denied the benefit of bail solely on the ground of registration of other criminal cases against him.

19. It is thus evident that the Principal Magistrate has seemingly been persuaded to grant the bail to the respondent No.2 only on failure of the prosecution to completely and correctly portray the correct and complete facts which would have indicated immense possibility of exposing the respondent No.2 to moral, physical or psychological danger and of his being brought into association with known criminals. The exercise of jurisdiction by the Principal Magistrate was not to be confined merely to the submissions or data to be furnished by the prosecution, rather, it was incumbent upon the Principal Magistrate to independently evaluate the entire material placed on record, in the light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and to assess whether the extension of the concession of bail would, in fact, be contrary to the best interests of the child in conflict with law. Such an exercise, it appears, has not been undertaken in the present case. The very fact that, within a period of nearly 01 year and 02 months of the grant of bail, 03 more cases came to be registered against the child in conflict with law, *prima facie* indicate his continued exposure to criminality and association with criminal elements. Further, the apprehension expressed by respondent No.2 of possible harm at the hands of the petitioner and his associates itself demonstrates that the grant of bail has, in effect, exposed the child in conflict with law to physical as well as psychological danger.



20. Moreover, the CCL expressed danger to himself as a reason to abscond from the process of law. Huge efforts and resources were expended to secure his presence before this court. The same thus gives rise to a huge flight risk of the respondent No.2, which is also not in the best interest of justice.

21. The order of the Principal Magistrate Juvenile Justice Board makes no mention of the criminal antecedents of the father, who, in the present circumstances, would have been the immediate custodian or guardian of the child in conflict with law. The father himself being lodged in Tihar jail for multiple offences (18 criminal cases) and the fact that the mother as well as the brother are absconders, there remains hardly any effective social or familial supervision over the activities of respondent No.2. Hence, the unbridled youth has found his way into the world of crime and unnecessary choice.

22. Adverting to the objection taken by the petitioner with respect to maintainability of the present proceedings, it is not in dispute that Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides an alternative statutory remedy by way of an appeal before the Children's Court. However, the mere existence of such a remedy does not, by itself, operate as a bar on the exercise of the powers of the High Court under Section 102 of the Act. An order passed under the Act can also be assailed before the High Court in exercise of its jurisdiction under the said provision. A petition cannot be said to be not maintainable merely on a ground that a statutory remedy of appeal is available, it can only operate as a guiding factor for the Court in determining whether to exercise the

jurisdiction vested in it or to relegate the litigant to exhaust the alternative remedies provided under the statute. In the facts and circumstances of the present case, this Court is not persuaded to decline jurisdiction on the said ground. Accordingly, the objection with regard to maintainability is rejected.

23. It is further evident that Section 12 prescribes the likelihood of bringing a CCL in association with crime and criminals as a reason to deny bail, however, such tentative fear at that time, is no longer speculative and is a reality in the present case and is evident from the involvement of respondent No.2 in as many as three criminal cases involving distinct and serious offences within a short span of time. Thus, the circumstances which persuade a Court to decline the concession of bail are a reality in the present case and not founded on mere perception or conjecture.

24. This Court would have even though ordinarily called upon the petitioner to exhaust the statutory remedy before approaching this Court, however, having regard to the peculiar facts of the present case, wherein the juvenile who himself remained absconding and absented from the proceedings for a period exceeding one year and whose production before the Court was secured only pursuant to orders passed by this Court. I am of the opinion that relegating the petitioner, at this stage, to the remedy of preferring an appeal before the 'Children's Court' would be nothing but an exercise in futility. Full opportunity of hearing has already been granted to the respondent No.2 to put forth his case before this court.

25. Having heard the petitioner. I am of the view that the Juvenile Justice Board has failed to appropriately consider the paramount interests of

the child in conflict with law and has not effectively ruled out the existence of circumstances which would disentitle respondent No.2 to the grant of bail.

26. The expression “ends of justice” as employed in the proviso to Section 12(1) of the Juvenile Justice Act must be understood in the light of the purpose, scheme and object of the Act, which is not punitive but reformatory and rehabilitative, with an emphasis on the care, protection and social integration of the juveniles as is evident from the preamble of the act, which reads as under:

“An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.”

(Emphasis Supplied)

The juvenile justice board is required to bear these considerations in mind while passing any order.

27. In view of the above, the order dated 15.10.2024 passed by the Principal Magistrate Juvenile Justice Board, Sirsa is set aside. The present petition is allowed and the matter is remanded to the Principal Magistrate, Juvenile Justice Board, Sirsa to pass a fresh order as per law. The respondent-State shall take appropriate steps in terms of the procedure

stipulated under the Juvenile Justice (Care & Protection of Children) Act, 2015.

JANUARY 13, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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