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

**CRM-M No.16867 of 2026
Date of decision: 22.04.2026**

RXXX (minor) through his father

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Vinay Kumar Pandey, Advocate (*joined through VC*)
and Mr. Yashvardhan Goyal, Advocate
for the petitioner.

Ms. Jasmine Gill, AAG, Haryana
for respondent No.1-State.

Mr. Nafees Ahmad Khan, Advocate
for respondent No.2.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.), for grant
of regular bail to the petitioner/child in conflict with law in case FIR
No.401 dated 24.11.2025, registered under Section 6 of the Protection of
Children from Sexual Offences Act, 2012 and Section 351(3) BNS, at
Police Station Sadar Nuh, District Nuh.

2. Briefly stated, as per the allegations in the FIR, respondent
No.2/complainant (mother of the victim) approached the Police Station on
24.11.2025 and submitted a written complaint stating that on 20.11.2025, in



the afternoon, her minor son aged about 10 years had gone out for playing but did not return home. Upon searching for him, at about 1:30 PM, she found him lying in an unconscious condition in a plot near her house with blood stains on his clothes. After some time, when the child regained consciousness, she took him to a village doctor, who informed her that sexual assault had been committed upon him. It is further alleged that upon being asked, the child disclosed that the petitioner/child in conflict with law had taken him to his house on the pretext that his mother was calling him and thereafter, committed sexual act upon him, due to which, he became unconscious, and thereafter he was left in a vacant plot. It is also alleged that when the complainant tried to inform the police, the family members of the petitioner intervened, snatched her mobile phone and threatened her with dire consequences in case she reported the matter. Thereafter, the child in conflict with law moved an application for grant of regular bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which came to be dismissed by learned Additional Sessions Judge/ Fast Track Special Court for trial of such offences under POCSO Act, Nuh, vide order dated 10.03.2026. While declining the relief, it was observed by the trial Court that the CCL is more than 16 years of age and has been sent to the Special Court for trial as an adult. It was further observed that the allegations levelled against the CCL are grave and serious in nature and none of the prosecution witnesses has been examined so far in the case. The Court also took into consideration that if the child in conflict with law is released on bail, there is a likelihood of his coming into association with criminals, which may expose him to moral and physical danger and there is



also a possibility of his committing a similar offence again. The trial Court, while placing reliance upon the judgment of the Hon'ble Allahabad High Court in *Mr. X (Minor) vs. State of U.P. and another, Criminal Revision No.1036 of 2022*, decided on 21.10.2022, observed that bail to a juvenile is not to be granted as a matter of course in every case and can be denied if the release would defeat the ends of justice. Accordingly, it was concluded that in case the appellant/CCL is released on bail, the ends of justice would be defeated, and thus, the bail application was dismissed.

3. It is contended by learned counsel for the petitioner that the petitioner is a child in conflict with law and is entitled to the benefit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, wherein grant of bail is the rule and denial is an exception, permissible only under the specific contingencies provided therein. It is argued that none of the conditions as envisaged under Section 12 of the Act are attracted in the present case, as there are no reasonable grounds to believe that release of the petitioner would 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. It is further contended that learned trial Court has erred in dismissing the bail application by primarily relying upon the gravity of the allegations, which is not a relevant consideration under Section 12 of the Act. It is submitted that the trial Court has failed to record any satisfaction based on cogent material that the case falls within the exceptions carved out under Section 12 of the Act, and thus, the impugned order suffers from illegality. Learned counsel further submits that there is an unexplained delay of about four



days in lodging the FIR, which creates a serious doubt over the prosecution version. It is also argued that the investigation in the present case already stands completed and, therefore, no useful purpose would be served by keeping the petitioner in custody. The petitioner has been in custody since 25.11.2025 and the trial is likely to take considerable time to conclude. It is further contended that the impugned order dated 10.03.2026 passed by learned Additional Sessions Judge, Nuh, merely proceeds on the assumption that release of the petitioner would defeat the ends of justice, without referring to any material on record to substantiate such conclusion. The findings recorded by the trial Court that the allegations are grave and serious and that the petitioner may come into association with criminals are stated to be conjectural and not based on any evidence. Reliance has been placed upon the judgment of the Hon'ble Punjab and Haryana High Court in *Pankaj vs. State of Haryana, 2012(4) PLR 266*, wherein it has been held that the gravity of offence cannot be made a ground for rejecting bail to a juvenile under Section 12 of the Act. Further reliance has also been placed upon *Satbir vs. State of Haryana, 2011(2) RCR (Criminal) 621*, wherein it has been held by this Court that in the absence of any material indicating that release of the juvenile would fall within the exceptions under Section 12 of the Act, denial of bail is not sustainable in law. It is further submitted that the petitioner belongs to a respectable family and there is no likelihood of his absconding, and he undertakes to abide by any condition imposed by this Court. It is thus prayed that the petitioner be released on bail, as continued detention would serve no useful purpose.

4. A status report has been filed on behalf of the State along with



the custody certificate, which reflects that the petitioner/child in conflict with law has remained in custody for a period of four months and twenty-six days.

5. Mr. Nafeez Ahmad Khan, Advocate, appeared on behalf of the complainant and assisted learned State counsel.

6. Learned State counsel, duly assisted by counsel for the complainant, has opposed the present petition and contended that the allegations against the petitioner are grave and serious in nature. It is submitted that the challan has already been presented before the Juvenile Justice Board, Nuh, and thereafter the case has been committed to the Children's Court for trial of the petitioner as an adult. Charges have already been framed and the case is at the stage of prosecution evidence. It is further contended that none of the prosecution witnesses has been examined so far and there are as many as 21 prosecution witnesses cited in the present case. It is further argued that the petitioner is involved in a serious offence and in case he is released on bail, there is every likelihood that he may tamper with the evidence and influence the material witnesses. It is also contended that the petitioner may abscond and evade the process of law, which would ultimately delay the trial. On these grounds, it is prayed that the present petition deserves to be dismissed.

7. The petitioner has filed the present regular bail petition. However, as per Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the remedy against an order passed by learned Additional Sessions Judge/Fast Track Special Court declining bail is by way of an appeal. In the present case, instead of availing the statutory



remedy of appeal, the petitioner has chosen to file the present petition seeking regular bail.

8. Nevertheless, it is a settled proposition of law that the nomenclature of a petition is not decisive and the Court can treat the petition in accordance with the substance of the relief sought. Since the present petition essentially assails the order dated 10.03.2026, whereby bail has been declined to the child in conflict with law, the same is treated as an appeal under Section 101 of the Juvenile Justice Act against the said order and is being considered on merits accordingly.

9. While examining the merits of the present matter, it is apposite to refer to the scheme of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The said provision mandates that when a person, who is apparently a child and alleged to be in conflict with law, is apprehended or brought before the Board, such person shall be released on bail with or without surety notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force. The proviso to Section 12 of the Act carves out limited exceptions to the said rule, where there appear reasonable grounds for believing that the release of such child 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. It is thus evident that grant of bail to a child in conflict with law is the rule and denial is an exception, which must be founded on reasonable grounds supported by material on record.

10. In the present case, a perusal of the impugned order dated 10.03.2026 reveals that learned trial Court has declined bail to the



petitioner primarily by observing that the allegations are grave and serious in nature, that none of the prosecution witnesses has been examined and that in case the petitioner is released on bail, he may come into association with criminals and may again commit such type of offence. However, there is no discussion in the impugned order as to any material on record which would justify such conclusions. The findings recorded by the trial Court are general in nature and merely reproduce the language of the exceptions contained in the proviso to Section 12 without demonstrating how the case of the petitioner falls within any of those exceptions.

11. It is also evident that learned trial Court has been swayed by the gravity of the allegations, which, by itself, is not a relevant consideration under Section 12 of the Act. The statute does not contemplate denial of bail merely on the seriousness of the offence alleged, unless the case squarely falls within the exceptions provided in the proviso. Further, though reliance has been placed upon the judgment of the Hon'ble Allahabad High Court in *Mr. X (Minor) vs. State of U.P. and another (supra)*, the same has been applied in a mechanical manner. The trial Court has failed to record any cogent reasoning or refer to any specific material to show as to how release of the petitioner would defeat the ends of justice in the facts of the present case. No material has been pointed out to indicate that the petitioner is likely to come into association with any known criminal, nor is there anything on record to suggest that his release would expose him to moral, physical or psychological danger. Similarly, the observation that release of the petitioner would defeat the ends of justice is not supported by any substantive reasoning. Such conclusions, in the



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absence of supporting material, cannot be sustained in law.

12. In view of the above discussion, this Court is of the considered opinion that the impugned order dated 10.03.2026 passed by learned Additional Sessions Judge/Fast Track Special Court for trial of such offences under POCSO Act, Nuh, suffers from material illegality and non-application of mind, as the mandate of Section 12 of the Act has not been properly appreciated.

13. Accordingly, the present appeal is allowed. The impugned order dated 10.03.2026 is hereby set-aside and the petitioner/child in conflict with law is ordered to be released on bail, subject to the satisfaction of the concerned Court/Board and subject to such conditions as may be deemed appropriate to ensure his presence during trial and to safeguard the interest of justice.

14. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

22.04.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No