



CRM-M-17538-2026

1

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

224

CRM-M-17538-2026
Date of Decision:16.07.2026

CHILD IN CONFLICT WITH LAW K**....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL.**

Present: Mr. Bijender Shankar, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 (Corresponding section 439 of Code of Criminal Procedure) for grant of regular bail, pending trial to the petitioner in case F.I.R. No.149 dated 14.08.2024, under Sections 103(1), 115(2), 190,191(3), 304, 351(3) BNS, 2023, (corresponding sections 302, 323, 149, 148, 506 of IPC 1860), respectively, however section 304 of BNS is a newly added section, hence there is no corresponding section of IPC in comparison of this section) and sections 25, 54,59 of Arms Act registered at Police Station Hassanpur, District Palwal.

2. As per the case of the prosecution, the present FIR was registered on the basis of the statement of the complainant regarding the murder of Vishnu. During the course of investigation, the present petitioner



was nominated as an accused. It is alleged that the petitioner was the main conspirator and an active participant in the commission of the offence. The prosecution alleges that the petitioner, along with his co-accused, hatched a criminal conspiracy to murder Vishnu in order to avenge the killing of his brother and a prior assault upon him. It is further alleged that the petitioner arranged a meeting of the co-accused at his house to execute the conspiracy. Thereafter, he actively participated in the assault and carried the weapons, namely a hammer, an iron pipe and an iron rod, in a plastic bag to the place of occurrence. The prosecution further alleges that the petitioner, along with co-accused Mukki, inflicted hammer blows and other injuries upon the deceased, resulting in his death. It is also the case of the prosecution that after committing the murder, the petitioner and his co-accused robbed the deceased of his cash and gold chain before fleeing from the spot.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in no manner connected with the alleged occurrence. He submits that although the petitioner has been named in the FIR, no specific overt act or distinct role has been attributed to him therein. He further submits that on the date of the alleged occurrence, the petitioner was a juvenile. It is submitted that, subsequently, vide order dated 26.03.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Palwal, the petitioner, being a Child in Conflict with Law (CCL), was directed to be tried as an adult and the case was committed to the Court of the learned Children's Court. Learned counsel



further submits that the petitioner was admittedly a juvenile on the date of the alleged occurrence and, coupled with the fact that no specific role has been assigned to him in the FIR, he deserves the concession of regular bail.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG, Haryana accepts notice on behalf of the respondent-State and vehemently opposes the prayer for grant of regular bail. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year 10 months and 24 days.

6. I have heard the submissions made by the parties and gone through the record.

7. Section 12 of the Juvenile Justice Act, provides for a non-obstante clause for governing the provisions of bail to a juvenile. Ordinarily bail should be granted to a juvenile who is a child-in-conflict with law but as per the proviso of Section-12 of the Juvenile Justice Act the bail can be denied only due to strong and extreme reasons.

8. After hearing the rival contentions and considering the fact that in the case in hand, the petitioner is in custody for the last last 01 year 10 months and 24 days coupled with the fact that the trial is likely to take considerable time, this Court is of the view that no useful purpose would be served by further incarceration of the petitioner. Accordingly, the petitioner is granted the concession of regular bail during the pendency of the trial.

9. Therefore, without expressing any opinion on the merits of the

**CRM-M-17538-2026****4**

case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

16.07.2026
renu

(H.S.GREWAL)
JUDGE

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