

NXXXXXX VS STATE OF HARYANA AND ANOTHER

Present: Mr. Amit Singla, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, Addl. A.G. Haryana.

Mr. Varunveer Chauhan, Advocate,
for the complainant.

The present appeal has been preferred against the impugned order dated 14.08.2026 passed by the learned Sessions Judge, Hisar, whereby the application for anticipatory bail filed by the appellant has been dismissed in FIR No.361 dated 21.07.2026, registered under Sections 110, 115, 126(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 308, 323, 341, 506 and 34 of the IPC) at Police Station Barwala, District Hisar. Subsequently, Sections 190, 191(2), 109(1) and 61 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 149, 147, 307 and 120-B of the IPC) as well as Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, were added to the FIR.

The prosecution case, in brief, is that on 20.07.2026, complainant Sagar, a Class 10 student, was allegedly assaulted by 5-6 persons near his school and thereafter again near the Old Bus Stand, Barwala. According to the complainant, the assailants showed him a photograph of petitioner Neeraj and stated that they had come at his instance, as the complainant had earlier had a verbal altercation with the appellant in March 2026. When the complainant's cousin Rohit came to his rescue, he was also allegedly assaulted with sticks and rods and sustained injuries. Initially, the FIR was registered under Sections 110, 115, 126, 35 and 351(3) BNS, and subsequently Sections 190, 191(2), 109(1) and 61 BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act were added. The allegation against the present appellant is principally that he sent an Instagram message along with the photograph of the complainant to his co-accused and allegedly provoked them to “teach him a lesson.”

Learned counsel for the appellant submits that the appellant is a 15-year-old juvenile and was not present at the place of occurrence. He neither assaulted the complainant nor caused any injury or abused anyone in the name of caste. His alleged role is confined to sending an Instagram message. No recovery is required from him and his custodial interrogation is not necessary. He is ready to join the investigation and has no criminal antecedents.

Notice of motion .

Mr. Ramesh Kumar Ambavta, Addl. A.G. Haryana, accepts notice on behalf of the respondent/State. He opposes the prayer for grant of anticipatory bail by submitting that the appellant is the main accused and had allegedly provoked the co-accused to commit the assault. It is argued that the offences under the SC/ST Act have also been added. It is further submitted that the co-accused acted at the appellant’s instance and that his role is specific in the commission of the offence

Heard.

The appellant is a 15-year-old juvenile, and the specific allegation of physical assault is against the co-accused. There is no allegation that the appellant himself was present at the spot or inflicted any injury upon the complainant or Rohit. The appellant has no criminal antecedents, is pursuing his studies and has undertaken to join the investigation. His petition of anticipatory bail had been rejected by the learned Court below on the allegations that he is in

contact with persons with criminal antecedents. There is no material on record that co-accused has any prior criminal antecedents. The bail in the case of child in conflict (CCL) is governed by the provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act'), which reproduced as under:-

“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.”

There are only three grounds enumerated in Section 12 of the Act whereon, the bail can be declined to a CCL and in the present case, none of these circumstances did exist. No doubt, victim has received serious injuries but considering the fact that CCL/appellant was not present at the time of occurrence and that his case does not fall within the exceptions provided under

Section 12 of the Act. The order passed by the Court below is not sustainable. Apprehension of the appellant does not seem to be necessary. Keeping in view his young age, limited role attributed to him and the welfare of the juvenile, his apprehension is not warranted. Accordingly, the petitioner is ordered to be released on interim anticipatory bail, subject to the prescribed terms and conditions. Petitioner is directed to join the investigation and to appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the BNSS 2023.

Protection of Identity of Child in Conflict with Law

Before parting with the matter, this Court considers it apposite to deal with the issue relating to disclosure of the identity of a Child in Conflict with Law. The Juvenile Justice (Care and Protection of Children) Act, 2015 is a beneficial legislation intended, inter alia, to ensure the care, protection, rehabilitation and social reintegration of children. The statutory scheme recognises that a child in conflict with law is required to be protected from avoidable stigma, prejudice and social ostracisation arising out of his involvement in criminal proceedings. In this regard, Section 74 of the Act specifically incorporates safeguards against disclosure of the identity of a child and prohibits publication or communication of the name, address, school, photograph or any other particulars which may lead to the identification of such child in connection with any inquiry, investigation or judicial proceeding.

It is true that Section 74 of the Act, in its express language, does not specifically employ the expression “Court” or “Judge” and does not, in terms,

state that the name of a Child in Conflict with Law cannot be disclosed in a judicial order or judgment. However, such omission cannot be construed as conferring any liberty upon a Court to disclose the identity of a child in conflict with law. The object and purpose of the statutory protection would stand defeated if the identity of the child, while being protected at the stages of inquiry and investigation, were to be disclosed in a judicial order or judgment. The protection contemplated under Section 74 must, therefore, receive an interpretation which advances the object of the legislation and protects the child from the very stigma which the statute seeks to prevent.

The Hon'ble Supreme Court, while dealing with the very issue in ***Shilpa Mittal v. State of NCT of Delhi, 2020(2) SCC 787***, specifically deprecated disclosure of the name of a Child in Conflict with Law in a judgment and directed that the same be removed. The Hon'ble Supreme Court observed that such disclosure was not in accordance with Section 74 of the Act and directed the concerned High Court to correct the judgment and remove the name of the Child in Conflict with Law. The directions of the Hon'ble Supreme Court were to continue until the issue was addressed by the legislature or the executive.

In the present case, this Court has noticed that the impugned order dated 14.08.2026 discloses the name of the Child in Conflict with Law, despite the fact that his status as a child in conflict with law is not in dispute. Such disclosure is inconsistent with the statutory protection contained in Section 74 of the Act and the law laid down by the Hon'ble Supreme Court in ***Shilpa Mittal (supra)***. Judicial officers dealing with matters concerning children in conflict with law are, therefore, expected to scrupulously adhere to the statutory safeguards intended to preserve the confidentiality and identity of the child.

Accordingly, it is directed that the name or any other particulars capable of identifying a Child in Conflict with Law shall not be disclosed in any judicial order, judgment or other publicly accessible judicial record. The child shall, wherever necessary, be referred to only as “**Child in Conflict with Law**”, or by an appropriate anonymised reference. The aforesaid mandate shall be duly followed by **all Courts subordinate to this Court and by all concerned authorities in the States of Punjab and Haryana and the Union Territory of Chandigarh**. The Registry of this Court shall also ensure, to the extent administratively permissible, that the name or any other particulars capable of identifying a Child in Conflict with Law are not disclosed in the cause title, cause lists, orders, judgments or other publicly accessible judicial records.

The aforesaid directions shall be followed in letter and spirit, subject to and in accordance with any legislative or executive action subsequently taken pursuant to the directions of the Hon’ble Supreme Court in *Shilpa Mittal (supra)*.

List on 23.09.2026.

To be shown in the urgent list.

(VIRINDER AGGARWAL)
JUDGE

24.08.2026
S. Pathania