

CRR-2876-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR-2876-2023

Date of decision:30.01.2024

Jatin

...Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

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**SUMEET GOEL, J.**

1. The petitioner-child in conflict-with-law (hereinafter referred to as 'CCL') has filed the present revision petition challenging the order dated 20.11.2023 passed by learned ASJ/FTC (POCSO), Panipat and order dated 07.11.2023 passed by learned Principal Magistrate, JJB, Panipat (hereinafter referred to as 'Juvenile Justice Board'). By way of impugned orders the prayer made on behalf of the CCL for grant of bail has been dismissed.

2. The case set out, in the FIR No.609 dated 28.09.2023 registered under Sections 4, 18 of Protection of Children from Sexual Offences Act, 2012 (hereinafter to be referred as 'POCSO'), Sections 376, 506, 511 of Indian Penal Code, 1860, (hereinafter to be referred as 'IPC') Sections 67-A of Information Technology Act (added later on) and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Old Industrial, Panipat District Panipat (as stated in the petition) is as follows:-

*“TO, SHO, Police Station Old Industrial, Panipat. Sir, it is submitted that I, Geeta daughter of Sh. Mohan Lal, Caste Dhanak, is resident of Sondapur, District Panipat. I have two sons and two daughters. My elder daughter Sneha aged about 16 years is student of 10<sup>th</sup> Class. I and my husband used to sell toys in fair for livelihood. We have gone to village Gangwa, District Hisar in the fair of Dashmi from many days. When we returned from the fair then my daughter Sneha told me by weeping that on 26.09.2023 when she was standing at about 9 o'clock at Sondapur Chowk for going to school then at that time one boy namely Jatin came there and he coaxed me and taken me to Raj Mahal Hotel, Gohana Road, near petrol Pump in Auto and after reaching there he tried to commit forcible rape with me and made my video. When I asked him to go to my home by crying then Jatin gave me threatening that if you will disclose this to anyone then I will kill your brother and viral the video. Jatin has committed wrong by committing such thing with my daughter Sneha. Jatin may be arrested and legal action may be taken against him. Complainant. Geeta wife of Sh. Mohan Lal, resident of Sondapur, District Panipat ”*

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 28.09.2023 and is in custody since then. The date of birth of the petitioner has been stated to be 11.12.2006 as per which the CCL is aged about 16 years and 09 months on the date of alleged offence i.e. 28.09.2023. Learned counsel has further stated that after completion of investigation, challan (report under Section 173 of Cr.P.C.) has been filed on 28.12.2023 wherein total 15 prosecution witnesses have been cited. Learned counsel, while relying upon the statutory provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has argued that the petitioner ought to have been released on regular bail in the facts and circumstances of the case.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The prime point for determination in the present petition is as to whether the CCL deserves to be released on regular bail during the pendency of the trial in the facts/circumstances of the case. The analogous legal question that arises for consideration is as to what are the factors involved for consideration of a plea by a CCL for his release on bail.

#### Relevant Statutory Provisions

7. Sections 3, 8(e) and 12(1) of The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as '2015 Act') read as under:-

***3. General principles to be followed in administration of Act.-The Central Government, the State Governments, [the Board, the Committee, or] other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—***

- (i) *Principle of presumption of innocence: Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.*
- (ii) *Principle of dignity and worth: All human beings shall be treated with equal dignity and rights.*
- (iii) *Principle of participation: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.*
- (iv) *Principle of best interest: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.*
- (v) *Principle of family responsibility: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.*
- (vi) *Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.*

- (vii) *Positive measures: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.*
- (viii) *Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child.*
- (ix) *Principle of non-waiver of rights: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.*
- (x) *Principle of equality and non-discrimination: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.*
- (xi) *Principle of right to privacy and confidentiality: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.*
- (xii) *Principle of institutionalisation as a measure of last resort: A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.*
- (xiii) *Principle of repatriation and restoration: Every child in the Juvenile Justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.*
- (xiv) *Principle of fresh start: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.*
- (xv) *Principle of diversion: Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.*
- (xvi) *Principles of natural justice: Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.”*

8. ***Powers, functions and responsibilities of the Board.-***

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- (e) *directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed;*

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**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 non-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.*

Section 12(1) of The Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter to be referred as '2000 Act') reads 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] 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.

#### Relevant Case Law

8. The precedents, germane to the matter(s) in issue, are as follows:

(i) The Hon'ble Supreme Court in a judgment titled as ***Jitendra Singh @ Babboo Singh and another vs. State of U.P. 2013(11) SCC 193***, has held as under:-

*“51. The provision dealing with bail (Section 12 of the Act) places the burden for denying bail on the prosecution. Ordinarily, a juvenile in conflict with law shall be released on bail, but he may 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.”*

(ii) The Hon'ble Supreme Court in a judgment titled as ***Re Exploitation of Children in Orphanages in The State of Tamil Naidu vs. Union of India & Ors., 2020(1) R.C.R. (Criminal) 1022***, has held as under:-

*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 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 lockup and has to be kept in an observation home or place of safety.*

(iii) The Hon'ble Supreme Court in a judgment titled as ***Om Parkash vs. State of Rajasthan and another, 2012 (2) RCR (Criminal) 770***, has held as under:-

*“18..... But when an accused commits a grave and heinous offence and thereafter attempts to take statutory shelter under the guise of being a minor, a casual or cavalier approach while recording as to whether an accused is a juvenile or not cannot be permitted as the courts are enjoined upon to perform their duties with the object of protecting the confidence of common man in the institution entrusted with the*

*administration of justice. Hence, while the courts must be sensitive in dealing with the juvenile who is involved in cases of serious nature like sexual molestation, rape, gang rape, murder and host of other offences, the accused cannot be allowed to abuse the statutory protection by attempting to prove himself as a minor when the documentary evidence to prove his minority gives rise to a reasonable doubt about his assertion of minority.....”*

(iv) The Hon'ble Supreme Court in a judgment tiled as ***Essa @ Anjum Abdul Razak Memom (A-3) vs. The State of Maharashtra, through STF, CBI Mumbai, 2013(13) SCC 456***, has held as under:-

373. *Ends of justice has not been defined in any statute, however, this expression “ends of justice” has been used in the Constitution of India under Article 139-A(2) that the Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court. Article 142 of the Constitution empowers this Court to pass an order which may be necessary for doing complete justice in any case or matter pending. Section 151 of the Code of Civil Procedure 1908 confers unlimited inherent powers on the court to make such orders as may be necessary for the ends of justice. Section 482 of the Code confers inherent power upon the High Court to pass an order as may be necessary to secure the ends of justice. The words in Section 151 of Civil Procedure Code to “secure the” seems to be more powerful then the term to meet the ends of justice as the former is of unfathomable limits.*

374. *It has always been the subject matter of debate as what does the words “the ends of justice” mean, for the reason “that it is one of those questions to which the resigned wisdom applies that man cannot find a definitive answer, but can only try to improve the question”. (Vide: **L. Vijay Kumar vs. Public Prosecutor, A.P., AIR 1978 SC 1485**).*

375. *In **Delhi Development Authority v. Skipper Construction Co. (P) Ltd. and Another, AIR 1996 SC 2005**, this Court observed that it is advisable to leave the power undefined and uncatalogued, so that it remains elastic enough to be moulded to suit the given situation.*

376. While dealing with such an issue, the court must not lose sight of the fact that meaning of “ends of justice” essentially refers to justice to all the parties. This phrase refers to the best interest of the public within the four corners of the statute. In fact, it means preservation of proper balance between the Constitutional/Statutory rights of an individual and rights of the people at large to have the law enforced. The “ends of justice” does not mean vague and indeterminate notions of justice, but justice according to the law of the land. (Vide: **State Bank of Patiala & Ors. vs. S.K. Sharma, AIR 1996 SC 1669**; and **Mahadev Govind Gharge & Ors. vs. The Special Land Acquisition Officer, Upper Krishna Project, Jamkhandi, Karnataka, (2011) 6 SCC 321**)

377. Thus, the law has to be interpreted in such a manner that it develops coherently in accordance with the principles, so as to serve, even-handedly, the ends of justice.

(v) The Hon'ble Supreme Court in a judgment tiled as **XXX vs. The State of Rajasthan & Anr. in Criminal Appeal No.1569 of 2023 (Arising out of SLP (Crl) No. 2981 of 2023) decided on 17.05.2023**, has held as under:-

11. We expected the Juvenile Justice Board to adopt sensitive approach in such cases. Under the Scheme of Sub-section (1) of Section 12, normally, a juvenile in conflict in law is required to be released on bail with or without surety or to be placed under supervision of the Probation Officer or under the care of any fit person. The proviso is an exception to sub-section(1) of Section 12 incorporating the circumstances under which the benefit under sub-Section (1) of Section 12 should not be granted to the juvenile.

12. Therefore, it was necessary for the Juvenile Justice Board to apply its mind to the question whether the appellant should be granted bail so that he can stay with the mother as per the social investigation report referred above. Apart from the father and mother, the appellant has a grand-mother, elder brother and elder sister. Moreover, his father and cousin who are co-accused are in judicial custody.

13. Therefore, before passing the order denying bail, a deeper inquiry was contemplated by the Juvenile Justice Board after considering the status of other family members of the appellant, the surroundings around the house of the appellant and other relevant factors. Without any inquiry,

*the Juvenile Justice Board has simply reproduced the proviso to sub-section (1) of Section 12 and has denied bail.*

Analysis (re law)

9. At the outset, it is relevant to note that the statutory framework of law pertaining to Juvenile Justice underwent a significant change by enacting of 2015 Act in place of 2000 Act. The introduction & statement of objects and reasons to the Bill for the Juvenile Justice (Care and Protection of Children) Act, 2015 reads as under:-

*“The Juvenile Justice (Care and Protection of Children) Act was enacted in 2000 to provide for the protection of children. The Act was amended in 2006 and 2011.*

*However, several issues, such as increasing incidents of abuse of children in institutions, inadequate facilities, quality of care and rehabilitation measures in Homes, delays in adoption due to faulty and incomplete processing, lack of clarity regarding roles, responsibilities and accountability of institutions, sale of children for adoption purposes, etc. had cropped up in recent times. Further increasing cases of crimes committed by children in the age group of 16-18 years in recent years made it evident that the provisions under the Act were ill equipped to tackle child offenders in this age group.*

*Since numerous changes were required in the Juvenile Justice (Care and Protection of Children) Act, 2000 to address the above mentioned issues, it was proposed to repeal existing juvenile Justice (Care and Protection of Children) Act, 2000 and re-enact a comprehensive legislation.*

*The Juvenile Justice (Care and Protection of Children) Act, 2015 ensures proper care, protection, development, treatment and social re-integration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interest of the child.*

*XXX XXX XXX XXX XXX ”*

*5. Numerous changes are required in the existing Juvenile Justice (Care and Protection of Children) Act, 2000 to address the abovementioned issues and therefore, it is proposed to repeal existing Juvenile Justice (Care and Protection of Children) Act, 2000 and re-enact*

*a comprehensive legislation inter alia to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social re-integration measures for such children, adoption against children. This legislation would thus ensure proper care, protection, development, treatment and social re-integration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interest of the child in mind.”*

However, a comparative critical analysis of Section 12 (dealing with issue of bail to a CCL) of 2015 Act and Section 12 (dealing with issue of bail to a Juvenile) of 2000 Act would show that both provisions are on same lines in essence. Thus, it can be safely inferred that legislature in its wisdom has chosen not to alter the parameters prescribed for grant of bail under the Juvenile Justice system inspite of incorporating significant changes by way of enactment of 2015 Act. Accordingly, this Court deems it pragmatic to rely upon the case law relating to interpretation of Section 12 of 2000 Act while dealing with interpretation of Section 12 of 2015 Act in the present case.

9.1 A bare perusal of Section 12 of 2015 Act; when read in light of judgments in the case of ***Jitendra Singh @ Babboo Singh's*** case (supra) and ***Re Exploitation of Children in Orphanages in the State of Tamil Naidu's*** case (supra); shows that the language employed by the legislature clearly stipulates that a CCL is entitled to bail except when some tangible material is brought on record by the prosecution or otherwise there being reasonable grounds for believing that the release of CCL is likely to bring him into association with any known criminal or expose him to moral/physical/psychological danger or that his such release would defeat

the ends of justice. In other words; a CCL would be entitled to bail as a matter of course, unless the prosecution is able to bring out tangible material to substantiate these exceptions. Mere apprehension by prosecution, without any material to support such apprehension, would not dis-entitle the CCL for grant of bail. The words used in Section 12 of the 2015 Act i.e. **“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”** unequivocally support the above interpretation by this Court. There is gain saying that the principle of interpretation i.e. *“Golden Rule of Interpretation/Literal Rule of Interpretation”* essentially postulates that legislative mandate has to be enforced as stipulated in the Statutes. Section 3 (General Principles to be followed in the administration of Act) of 2015 Act; which mandates the fundamental principles which the Board shall be guided by while implementing provisions of the 2015 Act; makes specific reference to *“Principle of institutionalization as a measure of last resort”* as also *“Principle of repatriation and restoration.”* Therefore, it is clear that the basic principle of criminal jurisprudence namely *“Bail and not jail is the rule”* applies with more vigour to a case of bail under Section 12 of 2015 *vis.-a-vis.* a case of bail under Section 439 of Criminal Procedure Code, 1973. Hence, ordinarily, the CCL would be entitled to bail subject to the particular case in hand not falling within the exceptions provided in the proviso to Section 12 of 2015 Act.

9.2            However, there does not exist an indefeasible right in favour of the CCL for grant of bail under the 2015 Act. Apart from the Court/Board considering the statutory mandate relating to likelihood of a CCL coming

into the contact of a known criminal or exposure of the CCL to moral/physical/psychological danger, the said Court/Board is also required to consider as to whether release of such CCL “*would defeat the ends of justice.*” The aim/objective(s) behind enactment of the 2015 Act as also the salutary jurisprudential principle(s) behind the Juvenile Justice system; when read in light of the judgment rendered by Hon’ble Supreme Court in ***Om Parkash’s*** case (supra) leads to the inevitable conclusion that the protection of the Juvenile Justice system to a CCL is meant for treating such CCL with care and sensitivity. However, the same is not meant to be used by a CCL as panacea from penal consequences of any & all acts/offences irrespective of the degree and nature of such Act/offence(s). It is, thus, that the legislature has introduced the proviso that release of such person (CCL) “*would not defeat the ends of justice*”. The contention, that the words “*ends of justice*” have to be given a constricted meaning in accordance with the principles of “*eiusdem generis*”, deserves to be thus repelled.

9.3 The Hon’ble Supreme Court in the judgment of ***Essa @ Anjum Abdul Razak Memon’s*** case (supra) has extensively dealt with the meaning of words “ends of justice” and has enunciated that the same has to be interpreted in a manner so that it serves justice, even handedly, to all concerned parties including the CCL in question, victim and his/her family as also the prosecution apart from public at large. The provision of Section 12 of the 2015 Act does assuredly intend to indicate that ordinarily the CCL deserves to be enlarged on bail, subject to the stipulations contained in the proviso to Section 12 of the 2015 Act, but there may be situations where “*ends of justice*” would require that such a CCL is not released on bail. In a

given case, the offence(s) alleged to have been committed by a CCL may be of a nature/kind which may rattle the conscience of a Court and in such facts it may be imperative to decline bail to such CCL to preserve the “*ends of justice.*” For instance; a CCL may be alleged to be involved in a gruesome murder or a barbaric sexual assault or anti national activity of a kind which has put security and sovereignty of the country to peril or the act/offence by such CCL may be of a nature tearing into the social fabric of the society. In such like cases, it would be appropriate to decline bail to such CCL on account of the nature of such alleged act/offence(s) keeping in view that grant of bail would result in “*defeating the ends of justice.*” It is no conundrum that it is neither possible nor desirable to exhaustively enumerate such like situations & hence it would be appropriate to leave it to the judicial discretion of the Board. This Court must hasten to add herein, a word of caution, that the above said concept of “*ends of justice*” available in statute for declining bail to CCL must be judiciously and sensitively employed if the facts/circumstances of a case so warrant. The mere fact that a CCL is alleged to have committed a serious offence will, *ipso facto*, not result in declining of bail to such CCL unless attending circumstances make it imperative to hold that such release would defeat the “*ends of justice.*”

9.4 While dealing with a plea for bail under Section 12 of the 2015 Act; the Board is to essentially carry out inquiry regarding the background of the CCL; atmosphere around the routine place of residence of the CCL and other related factors as laid down by the Hon’ble Supreme Court in judgment rendered as “*XXX vs. State of Rajasthan (supra).*” Needless to state herein that the Social Information Report (SIR), sought in terms of

Section 8 of 2015 Act, would be a very pertinent material/factor which is required to be considered by the Board while considering a plea for bail under Section 12 of the 2015 Act. However, since the matter relates to a child, due sensitivity deserves to be exercised by the Board apart from taking requisite steps so as to avoid delay in such adjudication.

10. As an epilogue to above discussion the principles of law that emerge are as follows:

(I) Ordinarily, a CCL will be entitled to bail under Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2015 except wherein:

(i) There appears to be reasonable grounds that such release is likely to bring the CCL into association with any known criminal; or

(ii) There appears to be reasonable grounds that release of such CCL may expose him/her to moral/physical/psychological danger; or

(iii) Such release would defeat the ends of justice.

For a Board to hold that a given case falls under above-said three exceptions, the Board is required to rely upon tangible material to so hold and mere apprehension would not suffice to decline bail.

(II) The gravity/seriousness of an offence shall by itself not be a reason for rejection of bail of a CCL unless it is shown that such release would defeat the “*ends of justice.*”

For instance; wherein a CCL is alleged to be involved in a gruesome murder or a barbaric sexual assault or serious terrorist/anti-national activity(s); the Board may be justified in declining such release since release would defeat the “*ends of justice*”. These situations are illustrative in nature as it neither desirable nor possible to exhaustively enumerate all such

situations and each case is required to be considered by the Board in its own facts/circumstances.

(III) The Board while considering a plea for bail by CCL, shall obtain and look into the SIR (Social Investigation Report) obtained in terms of Section 8 of 2015 Act as also the attending circumstances of the case in hand such as status of the family members of the CCL, the atmosphere around the ordinary residence of the CCL, educational background of the CCL as also his family members etc. These factors are only illustrative in nature as it is neither possible nor desirable to exhaustively enumerate such like factors.

(IV) The Board, in case of rejection of bail of CCL on the basis of exceptions contained in proviso to Section 12(1) of the 2015 Act, is bound to accord reasons and briefly give the circumstances that have led to such rejections.

(V) An earnest effort ought to be made by the Board in expeditious decision of a plea for bail made on behalf of CCL and there should not be an inordinate delay in obtaining the SIR etc. since the matter pertaining to a CCL deserves to be dealt with exercising sensitivity, care and caution.

Analysis (re facts)

11. The case set up against the CCL (who was aged about 16 years and 09 months on the date of alleged offence) primarily is that he attempted to commit rape on the victim who was aged about 16 years old. Final report has been presented against the CCL on 28.12.2023 wherein 15 prosecution witnesses in total have been cited & thus culmination of trial/enquiry will take its own time. There is no material available on record to indicate that there is likelihood of the CCL coming into association with any known criminal or his being exposed to moral/physical/psychological danger. The

Social Information Report submitted in the matter shows that the relationship of the CCL with his father, mother and siblings is cordial; the attitude of the CCL towards his classmates is normal; majority of the friends of CCL are educated and are of the same age group; attitude of the CCL towards his friends is normal; the CCL is living in a normal urban locality; the CCL has not been subjected to any form of abuse; CCL is not victim of any offence & the observations of the neighbourers towards the CCL is normal. The learned JJB, Panipat as also the learned ASJ/FTC, POCSO, Panipat appear to have rejected the bail of the CCL in question on the ground of the allegations against him being serious & there being high chances of CCL being exposed to social/moral/physical/psychological danger in case of his being release on bail. However, these findings appear to have been recorded on a mere apprehension and without any material/basis on record. On the contrary, a perusal of the SIR reflects that it would be in the fitness of things especially the overall interest of the CCL that he is released on bail. The mere nature of the offence alleged to have been committed by the CCL does not make it a case calling for rejection of the bail so as to preserve the ends of justice. This Court is accordingly of the considered opinion, that in the facts and circumstances of the case in hand, that the petitioner-CCL deserves to be enlarged on bail.

### Decision

12           Accordingly the present revision petition is allowed and impugned orders dated 20.11.2023 and 07.11.2023 are set-aside. Petitioner-CCL is ordered to be released on bail on his furnishing requisite bail/surety bonds etc. to the satisfaction of concerned CJM/Duty Magistrate.

It is further directed that such concerned CJM/Duty Magistrate shall be at liberty to impose such further condition(s) as deemed appropriate by him/her while releasing the petitioner-CCL on bail.

13. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

14. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

15. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

January 30, 2024

*Ajay*

Whether speaking/reasoned:	Yes
Whether reportable:	Yes