

Punjab-Haryana High Court

Ccl Nxxx Thr His Father Axxx vs State Of Haryana And Anr on 6 July, 2026

Author: Jasjit Singh Bedi

Bench: Jasjit Singh Bedi

CRR-857-2026 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(115)

CRR-857-2026 (O & M)

Reserved on: 03.07.2026

Date of Pronouncement: 06.07.2026

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..... Petitioner CCL Nxx (real name withheld)

V/s

...Respondents State of Haryana and anr.

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kunal Dawar, Sr. Advocate,
with Mr. Jagjot Singh, Advocate,
and Mr. Prashant Vir Gupta, Advocate,
for the petitioner.

Ms. Puneeta Sethi, Addl. A.G., Haryana.

Mr. Ram K. Saini, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for setting aside the order dated 12.03.2026 passed by the Additional Sessions Judge, Faridabad whereby the appeal of the petitioner under [Section 101](#) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 05.01.2026 passed by the Principal Magistrate, Juvenile Justice Board, CRR-857-2026 (O & M) ::2::

Faridabad, vide which the petitioner was ordered to be treated as a juvenile has been allowed.

2. The brief facts of the case are that an FIR No.232 dated 04.08.2025 under [Section 109 BNS](#) ([Section 307 IPC](#)), Police Station Sadar Ballabgarh, Faridabad (Annexure P-1), came to be registered at the instance of Shweta Arora Sikka and reads as under:-

To, The SHO Sir, Police Station Sadar Ballabgarh, Faridabad. Sir, I, Shweta Arora Sikka, wife of Ashish Sikka, resident of FLAT NO 201, 1ST FLOOR, TOWER NO 12, Aagman Society, IMT SECTOR 70, state that my husband works in a private company and I am a housewife. I teach tuition to children at home. Like every day, my husband had left for his duty at 09:30 AM and both my children had also gone to school. Naitik, a resident of FLAT NO 504 and 508 in my tower, takes tuition from me. Naitik is currently suspended from his school for a month 2 Haryana Police L.I.F.-I (Integrated Investigation Form-1) and stays at home. Naitik usually comes for tuition between 12:00-12:30 PM, but today he came 5-7 minutes before 12:00 PM, but he did not bring his notebook. I sent him to get his notebook and went to my bathroom to use the toilet. While I was in the bathroom,

I suddenly heard my mother-in-law, Pooja Rani, screaming. I rushed out of the bathroom in a panic and saw my mother-in-law lying on the bed in a pool of blood. Blood was oozing from her neck, and Naitik was also standing in the same room with his hands drenched in blood. I screamed loudly and ran outside, calling the neighbours for help. A large crowd gathered there. I don't know when Naitik slipped away from there. Then I called my husband CRR-857-2026 (O & M) ::3::

and told him everything. Upon receiving the information, my husband returned from his duty and took my mother-in-law, Pooja Rani, to the hospital for treatment. Naitik has slit my mother-in-law's throat with the intent to kill her. Legal action should be taken against Naitik. Sd/-SHWETA.

3. During the course of the treatment, the injured Pooja Rani succumbed to her injuries and the [Section 103\(1\) BNS](#) ([Section 302 IPC](#)) was added.

4. The petitioner was arrested on 05.08.2025 and being less than 18 years of age i.e. 16 years 04 months and 21 days on the date of the occurrence as his date of birth was 14.03.2009, he was sent to the Observation Home. The Social Investigation Report of the petitioner dated 07.08.2025 was prepared and the same is annexed as Annexure P-2 to the petition. The petitioner was also subjected to psychiatric evaluation and the true copy of the report of the psychiatrist i.e. report dated 15.11.2025 of Dr. Promil, Senior Resident, Department of Psychiatry, ESIC Medical College & Hospital, Faridabad is annexed as Annexure P-3 to the petition. As the petitioner was of the age of more than 16 years, his preliminary assessment was conducted by Dr. Mukta Gupta, Member, Juvenile Justice Board, Faridabad. The Preliminary Assessment Report is annexed as Annexure P-4.

5. Pursuant to the aforementioned reports, vide order dated 05.01.2026 passed by the Principal Magistrate, Juvenile Justice Board, CRR-857-2026 (O & M) ::4::

Faridabad, the petitioner was ordered to be tried as a juvenile by the Board.

The relevant extract of the said order is as under:-

16. As per the case of prosecution, CCL had committed the alleged heinous offence. Although, it has been specifically disclosed in the final report that the CCL had allegedly committed the murder of mother in law of complainant by slitting the neck of deceased and the weapon of offence has been recovered from near the place of occurrence, but apart from looking into the nature and gravity of the offence, other circumstances are also dependant in order determine whether the CCL would be treated as an adult and tried before the Children's court or he is to be treated as a juvenile. As per SIR of CCL, the reason for alleged offence is lack of legal knowledge and Id counselor has mentioned in column no.8 of SIR that CCL did not intend to take tuition classes from the complainant and in order to create fear upon complainant, he had taken such step. No previous involvement of CCL in any offence has been brought out either in the SIR or SBR. Further more, at the time of commission of said offence, he was just 16 years and 22 days

old and the Id.counsel on behalf of CCL had adduced various certificates of appreciation/merit to show that the CCL is good in his studies. Considering the circumstances of the case, age of CCL and after having interacted with the CCL NXXX, we are of the considered view that the present case does not fall under the category of rarest of rare case.

Therefore, we are of the opinion that this is not a fit case for trial of CCL NXXX as an adult. Accordingly, CCL would be tried as a juvenile the Board.

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6. The respondent No.2-complainant preferred an appeal against the said order under [Section 101](#) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and while allowing the appeal by setting aside the order dated 05.01.2026, the Additional Sessions Judge, Faridabad vide impugned order dated 12.03.2026 held as under:-

14. Therefore, the collective reading of [Section 15\(1\)](#) as well as [section 18\(3\)](#) of J.J. Act shows that where the alleged offence is heinous and where child has completed or is above the age of 16 years, the JJB is required to conduct preliminary assessment with regard to physical and mental capacity of the child to commit such an offence, ability to understand the consequences thereof, as well as the circumstances in which the child allegedly committed the offence and after such assessment pass an order in accordance with sub-section (3) of 18 of [J.J. Act](#). If the Board is of the opinion that child needs to be tried as an adult, then case be transferred to the Children's Court having jurisdiction to try such offence, otherwise the Board itself will proceed to try the matter as as a summons case under the [Code of Criminal Procedure](#) (Now BNSS). Therefore, a Child-in-

Conflict with law can be ordered to be tried as an adult, if he has committed a heinous offence and he has completed the age of 16 years on the date of commission of occurrence and his case falls within the aforesaid parameters of [section 15](#) of J.J. Act. It is nowhere provided under [section 15](#) of the J.J. Act that circumstances in which offence was committed should be of such nature that shakes the collective conscience of society and the act itself is so heinous that it can be put under the category of rarest of rare case.

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15. In the present case, the Id. JJB obtained the opinion of Dr. Promil, Senior Resident, Department of Psychiatry, ESIC Medical College and Hospital, Faridabad and she gave her report on 13.11.2025 regarding psychiatric assessment wherein she has mentioned that respondent no.1/CCL is a student of 12th class and academically an above average student. She has also reported that there was no history of psychiatry illness and there was no overt psychopathology pressure and there was no family history of psychiatry illness. Dr. Promil also gave her report dated 15.11.2025 regarding impression on history

wherein she mentioned that respondent no.1/CCL has good academic, social and practical skills and there was no history of past psychiatry illness. She further reported that his IQ is 95 (i.e. average) and he has mental capacity and ability to understand the consequences of alleged offence.

16. Dr. Vijay Rani, ASMO, M.D. Paediatrics, Civil Hospital, Faridabad also gave her report on 15.11.2025 that vitals of respondent no.1/CCL Nxxx are stable. Ld. JJB has also mentioned in para no.13 of the impugned order dated 05.01.2026 that respondent no.1/CCL was examined by the Panel of Experts comprising of Dr. Promil (Psychiatrist). Dr. Vijay Rani (Paediatrics) and Dr. Parul Singh on 15.11.2025 and as per the report, CCL does not suffer from mental retardation.

He has above average intellectual capacity with IQ level 95 and he does not seem to have any psychotic illness.

17. Therefore, the aforesaid reports of experts clearly show that respondent no.1/CCL had mental capacity and ability to understand the consequences of alleged offence. The Social Investigation Report obtained in the present case also shows that respondent no.1/CCL is physically healthy. It is also CRR-857-2026 (O & M) ::7::

mentioned in the Social Investigation report that respondent no.1/CCL used to take tuitions from appellant-complainant but he did not want to take tuitions from appellant-complainant and he had committed the offence in order to cause fear to the complainant. The respondent no.1/CCL committed murder of mother-in-law of appellant-complainant by slitting her neck with a knife by attaching half shaving blades as respondent no.1/CCL had gone to the house of complainant Shweta on 04.08.2025 to cause injuries to her but the complainant went inside the washroom and respondent no.1/CCL had been seen by deceased, i.e. mother-in-law of complainant with knife and thereafter, he slit the neck of deceased.

18. The aforesaid facts clearly show that respondent no.1/CCL was having mental and physical capacity to commit the alleged offence and he was having ability to understand the consequences of offence. He also committed the offence in aforesaid circumstances when the deceased had seen the respondent no. 1/CCL with knife when he had gone to the house of complainant to cause injuries to the complainant.

19. The respondent no.1/CCL Nxxx was a student of 12th class at the time of alleged offence and he was studying Commerce subjects. The interaction conducted by Id. JJB with respondent no.1/CCL on 17.11.2025 also shows that he wanted to do BBA and MBA and thereafter, he wanted to join as Head Accountant in a company. Therefore, it is clear that respondent no.1/CCL was having the ability to understand the consequences of committing murder in the case in hand.

20 Ld. JJB passed the impugned order dated 05.01.2026 that respondent no.1/CCL is to be tried as a juvenile by the Board and it was not a fit case for his trial as an adult on the ground CRR-857-2026 (O & M) ::8::

that his case does not fall under the category of rarest of rare case. Ld. JJB, Faridabad ignored the facts of the case as well as reports submitted by Panel of Experts that respondent no.1/CCL was having mental capacity and ability to understand the consequences of alleged offence. Therefore, the order dated 05.01.2026 passed by Id. JJB, Faridabad is illegal and erroneous and is liable to be set aside.

7. The learned Senior counsel for the petitioner contends that the impugned order dated 12.03.2026 is based on conjectures and surmises. The well-reasoned order of the Principal Magistrate, Juvenile Justice Board, Faridabad has been set aside without any reasonable basis. The Lower Appellate Court has not considered the judgment of the Apex Court in [Barun Chandra Thakur versus Master Bholu and another](#) 2022 SCC Online SC 870, as per which preliminary assessment of the juvenile with regard to his mental ability to understand the future consequences of the offence must also be done and not merely the immediate consequences. The same has not been done in the present case. The Lower Appellate Court has not considered as to whether the petitioner had the physical maturity, the cognitive abilities, social and emotional competency to understand the nature of the offence committed by him and the long term consequences thereof. The Lower Appellate Court has failed to appreciate the fact that in the Social Investigation Report (Annexure P-2), the statement of the father and not the petitioner has been recorded to the effect that he intended to threaten the deceased as he did not want to study the tuitions from from her CRR-857-2026 (O & M) ::9::

daughter-in-law. He contends that merely because the petitioner disclosed that he wanted to do a BBA and then MBA and thereafter, want to work as an Accountant in the company would not mean that he was having the ability to understand the consequences of the offence and as such, the approach of the Lower Appellate Court is fallacious. He, thus, contends that the impugned order dated 12.03.2026 is liable to be set aside and the petitioner be ordered to be tried by the Juvenile Justice Board.

8. The learned counsel for the State and the counsel for the respondent No.2-complainant, on the other hand, contend that the Social Investigation Report (Annexure P-2), the report of Dr. Promil, Psychiatrist (Annexure P-3) and the Preliminary Assessment Report of Dr. Mukta Gupta, Member, Juvenile Justice Board, Faridabad (Annexure P-4) would establish beyond any doubt whatsoever that the petitioner had the mental capacity and ability to understand the consequences of his actions. Therefore, no fault can be found with the impugned order dated 12.03.2026 and the present petition is liable to be dismissed.

9. I have heard the learned counsel for the parties.

10. A perusal of the Social Investigation Report (Annexure P-2) would reveal that the petitioner was living in good conditions and was disciplined. He was also religious, though, it was suggested that he was lacking in the knowledge of law. As per the father of the juvenile, the CRR-857-2026 (O & M) ::10::

juvenile did not wish to go for tuitions and therefore, with a view to threaten his teacher, he took the step.

11. The report of Dr. Promil, Psychiatrist (Annexure P-3) is also to the effect that the petitioner was an above average student with no history of any psychiatric illness and had the mental capacity and ability to understand the consequences of the alleged offences.

12. The Preliminary Assessment Report (Annexure P-4) of Dr. Mukta Gupta, Member, Juvenile Justice Board, Faridabad, reveals that the petitioner had specific career goals. Interestingly, the petitioner appears to be mature enough in attempting to shift blame upon his tutor by saying that she did not have cordial relations with her mother-in-law (deceased) and had even slapped her on one occasion.

13. A cumulative reading of the aforementioned reports (Annexures P-2 to P-4 respectively) would reveal that the petitioner is of above average intelligence with no history of any past psychiatric illness, had long term career goals and, thus, had the mental capacity and ability to understand the consequences of the alleged offence.

14. Keeping in view the aforementioned discussion, no fault can be found with the impugned order dated 12.03.2026 passed by the Additional Sessions Judge, Faridabad and therefore, the present petition stands dismissed.

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15. The pending application(s), if any, shall stand disposed of accordingly.

BEDI)	July 06, 2026	(JASJIT SINGH
	sukhpreet	JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No

