



\$~SB-1 to 3

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REF. 1/2020

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. H.S Phoolka, Sr. Advocate  
(Amicus Curiae) with Ms. Taruna  
Panwar, Advocate

versus

STATE

..... Respondent

Through: Mr. Aashneet Singh, APP for the  
State  
Mr. R. H. A. Sikander, Standing  
Counsel for R-3  
Mr. Harsh Prabhakar, Advocate  
(DHCLSC)  
Ms. Prabhsahay Kaur, Ms. Antara  
Mishra, Mr. Aditya Verma, Mr.  
Bhuvan Ribhu, Ms. Rachna Tyagi,  
Advocates for Intervenor  
Mr. Tushar Sannu, Standing Counsel  
for DCPCR with Mr. Parvin Bansal,  
Advocate  
Mr. Anant Kumar Asthana, Advocate  
for DSLSA  
Insp Satbir Singh, PS Jaitpur

+ W.P.(CRL) 1560/2017 & CRL.M.A. 49787/2018

SADHAN HALDAR

..... Petitioner

Through:

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Through: Mr. Aashneet Singh, APP for the  
State  
Mr. Ripudaman Bharadwaj (CGSC)  
Mr. R. H. A. Sikander, Standing  
Counsel for R-4  
Ms. Prabhsahay Kaur, Ms. Antara



Mishra, Mr. Aditya Verma, Mr.  
Bhuwan Ribhu, Ms. Rachna Tyagi,  
Advocates for Intervenor  
Mr. Anant Kumar Asthana, Advocate  
for DSLSA  
SI Meenakshi, AHTU/Crime Branch

+ W.P.(CRL) 2563/2021

DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS  
(DCPCR) ..... Petitioner

Through:  
versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF  
DELHI & ORS. .... Respondents

Through: Mr. Aashneet Singh, APP for the  
State  
Ms. Prabhsahay Kaur, Mr. Bhuwan  
Ribhu, Ms. Rachna Tyagi, Ms.  
Harshita Rai, Ms. Taruna Panwar, Mr.  
Aditya Verma, Mr. Sarthak Bhardwaj,  
Advocates for Intervenor  
Mr. Anant Kumar Asthana, Advocate  
for DSLSA

**CORAM:**  
**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**  
**22.08.2025**

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1. A Communication dated 11.12.2019 has been received from Ms. Kiran Bansal, learned Special Judge, PC Act, ACB-01, Rouse Avenue District Courts, Delhi, whereby the following questions have been referred to be answered by this Court:-

*“Q.1 If an accused is in custody in more than one case and the concerned trial courts are more than one, then whether the accused is required to obtain custody parole from each and every concerned court or the accused can move to any one court of his choice for*



*seeking custody parole?*

*Q.2 Maximum duration in which the custody parole can be granted to an under-trial?*

*Q.3 In case custody parole application is moved to only one of the concerned court then whether any permission is required from the other concerned courts before sending the under-trial on custody parole?*

*Q.4. In case, permission is not required from the other concerned courts, then whether the Jail Superintendent or accused should give intimation to the other concerned courts regarding sending the under-trial on the custody parole? ”*

2. *Vide* letter dated 28.09.2020 addressed to the learned Registrar General of this Court, Ms. Priyanka Rajpoot, learned Principal Magistrate, Juvenile Justice Board-II, has referred the following four questions to be answered by this Court:-

*“Q.1. Whether the expression 'transferring to Committee' used in section 8(3)(g) of Juvenile Justice (Care and Protection of Children) Act, 2015 and the expression 'referring the child to the Committee' used in Rule 10(1)(ii) of Juvenile Justice Rules, 2016 have different connotations?*

*Q.2 Where a Juvenile Justice Board, pending an inquiry of a CCL, accords him the dual status of being a CNCP also, can the Child Welfare Committee re-assess the findings/directions of the Juvenile Justice Board and form a different opinion to justify returning the child to Observation Home/Place of Safety/Special Home, under the Juvenile Justice Board?*

*Q.3 In case of conflicting opinion of JJB and CWC regarding rehabilitation and restoration of a child with*



*dual status, how can such conflict be resolved in best interest of such child? (Note: Although section 101 of the Act provides that an aggrieved party can file an appeal to Children's Court against the order of the Committee or the Board within 30 days from the date of such order. However, in the present case, no one has approached Children's Court on behalf of the CCL 'P' and there is no appropriate authority or procedure provided in the Act to resolve a situation akin to one at hand as in the present case?).*

*Q.4. Can the Child Welfare Committee restore a child having dual status to his parents/guardian/fit person during pendency of inquiry without furnishing of bond or undertaking before the Board by the person to whom such child is restored?"*

3. Mr. H S Phoolka, learned Senior Counsel, has been appointed as *Amicus Curiae* to assist the Court. Ms. Prabhsahay Kaur, learned Counsel for the Intervenor/Bachpan Bachao Andolan, is also requested to assist the learned *Amicus Curiae* in the matter as the dispute is not adversarial and the endeavour by all parties is to assist the Court in answering the reference.
4. Let written submissions on behalf of the learned *Amicus Curiae*, Mr. Harsh Prabhakar, learned Counsel (DHCLSC), and Mr. Aashneet Singh, APP for the State, be filed before the next date of hearing.
5. List on 19.09.2025 for directions.

**SUBRAMONIUM PRASAD, J.**

**ANUP JAIRAM BHAMBHANI, J.**

**AUGUST 22, 2025**

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