

262

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

CRM-M-14435 of 2017

Date of decision: October 26, 2017

Baldev Singh @ Debu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition for regular bail filed by the petitioner who is admittedly juvenile on the date of his arrest in FIR No.28 dated 18.02.2015, under Section 15 of the NDPS Act, registered at Police Station Sadar Fazilka, District Fazilka.

Counsel for the petitioner has pointed out the orders in respect of other juvenile accused person who has been released on bail. Counsel also submits that the petitioner has undergone 2 years and 4 months in jail.

On Instructions from ASI Gurtej Singh, learned counsel for the State submits that there is no other case against the petitioner.

It cannot be disputed that even if the petitioner is convicted the sentence beyond three years cannot be ordered to the juvenile petitioner. The petitioner has undergone two years four months.

Counsel for the State submits that the quantity of 27 Kg.

Heroin was recovered from the car in which the petitioner was occupant.

Indeed, the quantity of the Heroin seized is heavy but Juvenile Law Order does not permit award of sentence beyond three years.

Learned counsel for the petitioner makes a statement that after release from the jail, father/mother of the petitioner will file undertaking/affidavit that the petitioner would not indulge in such type of offence and will keep surveillance on the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) The CRM-M-14435 of 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall report to the concerned Police Station every alternate day between 11.00am to 4.00pm. The police shall keep surveillance on the applicant-appellant.
- (iv) The father/mother of the petitioner shall give undertaking on affidavit before the trial Court, within a period of four weeks from the date of release that the petitioner will not indulge in such type of offence in future and will keep surveillance on the petitioner and will also submit a copy of affidavit to the concerned police station.
- (v) The petitioner to surrender his passport with the trial Court, if he possesses the same.

(A.B. CHAUDHARI)
JUDGE

October 26, 2017
anju rani

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