

254
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3033-2017 (O&M)
Date of decision: - 4.9.2017

Sonu

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

Challenge in the present revision petition is to the order dated 31.5.2017 passed by the Juvenile Justice Board, Jagadhri (for short 'the Board') dismissing the application for grant of bail to the petitioner as well as order dated 16.8.2017 passed by the Appellate Court vide which the appeal filed by the petitioner was also dismissed.

The brief facts of the case are that petitioner is facing trial in FIR No. 118 dated 5.4.2016 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1885. As per the allegations in the FIR, petitioner was apprehended with a gunny bag carried out by him containing 7.140 kgs of Ganja. It is further submitted that on the date of registration of the FIR i.e. 5.4.2016, petitioner was minor and was produced before the Juvenile Justice Board. He was declared juvenile vide order dated 27.4.2017. Thereafter, petitioner filed an application under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Juvenile Justice Act') for release of the petitioner on bail during the pendency of the trial.

However, the Board vide its order dated 31.5.2017 dismissed the application for grant of bail. Thereafter, petitioner challenged that order by way of filing an appeal before the Appellate Court, however, said appeal was also dismissed on 16.8.2017.

Petitioner has challenged the aforesaid orders in the present revision petition and has prayed for grant of bail during the pendency of the trial.

Learned State counsel, on instructions from ASI Sumesh Pal, submits that petitioner is of tender age and if he is granted bail, he may repeat such similar offences and prays that it will be in the interest of juvenile justice as well as in the larger interest of the society, if the petitioner is kept in protective custody till the completion of the inquiry.

After hearing learned counsel for the parties, I am of the opinion that the petitioner is in judicial lock up since 5.4.2016 and the period of his custody is more than 1 year and 5 months. As per Section 18 (g) of the Juvenile Justice Act, the maximum punishment provided to a juvenile is 3 years and the petitioner has almost undergone half of the punishment provided under the Juvenile Justice Act, even in case he is found to be guilty.

It is worth noticing here that trial is still at the initial stage and only the charges have been framed; no prosecution witness has been examined so far and the recovery is of non-commercial quantity.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Juvenile Justice Board, Jagadhri.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

4.9.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No