

**CRM-M-433 of 2018**

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

**CRM-M-433 of 2018**

**Date of Decision: 24.04.2018**

**Ravi @ Bhaiya**

**.....Petitioner**

**Vs.**

**State of Haryana**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. L.K. Sekhon, Advocate,  
for the petitioner.

Mr. Surinder Singh, A.A.G., Haryana.

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**AMOL RATTAN SINGH, J. (ORAL)**

An affidavit of the Superintendent, Central Jail-2, Hisar, has been filed in Court today by learned counsel, which is taken on record. A copy of thereof has been given to learned counsel for the petitioner.

As per the said affidavit, the petitioner was initially taken to be 25 years old at the time when he was first lodged in the Central Jail, Hisar, after which an ossification test was conducted on the directions of the Court and he was declared to be a juvenile on 17.11.2017. Thereafter, in compliance with the order of the learned Juvenile Justice Board, Fatehabad, he is stated to have been lodged in the Observation Home at Hisar.

As a matter of fact the affidavit, therefore, should have been filed by the person in-charge of the Observation Home and not by the Superintendent of the Central Jail.

Be that as it may, the petitioner having been apprehended, as per the case of the prosecution, with 1700 kilograms of poppy husk, along with his co-accused, in the opinion of this Court, the likelihood of his coming into contact, if he is released on bail, with other persons indulging in the sale of contraband in such high volumes, would be very probable and as such he should not be released on bail presently, even exercising jurisdiction under the proviso to Section 12 of the Juvenile Justice Care and Protection of Children Act, 2015.

Consequently, the petition seeking bail to the petitioner (who is now about 19 years and 04 months of age), is dismissed at this stage, with him to be continued to be lodged at the Observation Home.

Naturally, the Juvenile Justice Board seized of the trial, would attempt to conclude it at the very earliest.

April 24, 2018  
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(AMOL RATTAN SINGH)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | Yes |