

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

CRR No.4866 of 2017

Date of Decision: 16.02.2018

SANJAY @ LADDU

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this crl. revision petition against the orders dated 18.11.2017 passed by the Principal Magistrate, Juvenile Justice Board, Ludhiana and 11.12.2017 passed by the Addl. Sessions Judge, Ludhiana dismissing the prayer for grant of bail to the petitioner.

Prosecution story started with the allegations that on 20.08.2017, police party was present in the park in front of Police Station Moti Nagar, where a secret information was received that the petitioner along with Sunil Chechi and Rohit Kumar used to sell opium. On that day, they were coming in a

car along with huge contingent of narcotic substance from the side of Chandigarh. On the basis of secret information, *ruqa* was sent and FIR was registered. Raid was conducted at the spot and the juvenile in conflict with law along with other accused was apprehended. During search of the car, 2 kgs. of *opium* was recovered underneath the seat where petitioner was sitting. Petitioner also got recovered 3 kgs. of opium from the *dicki* of Aactiva Scooter in pursuance of his disclosure statement.

Learned counsel for the petitioner submitted that the petitioner was held to be juvenile in CRR No.3375 of 2017 decided on 07.11.2017 and the case was referred to the Juvenile Justice Board in accordance with the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as the 'the Act').

Learned counsel further submitted that under Section 12 of the Act and Rules framed thereunder gravity of offence is immaterial. The only consideration at this stage is to reach at a *prima facie* conclusion that the ends of justice would be defeated in the event of enlarging the juvenile in conflict with law on bail and such release of juvenile would expose him morally, physically and psychologically, when he will be associated with known criminal. Grant of bail to juvenile in terms of Section 12 of

the Act is a general rule, whereas refusal is an exception. Bail can be refused only in three eventualities i.e. where reasonable ground exists for believing that the release of juvenile in conflict with law is likely to bring him in association with known criminal, his release would expose him morally, physically and psychologically and the release would defeat the ends of justice. As per Section 3(1) of the Act, principle of presumption of innocence would apply in case of juvenile.

Learned counsel further submitted that the co-accused namely Rohit Kumar @ Rohit and Sunil Chechi have already been granted bail by the Co-ordinate Bench of this Court vide orders dated 13.11.2017 and 27.11.2017 passed in **CRM-M No.41241 of 2017** and **CRM-M No.43843 of 2017** respectively.

Learned State counsel has filed custody certificate showing that the petitioner has already undergone 07 months 14 days as undertrial as on 15.02.2018.

I have considered the submissions made by learned counsel for the parties.

Taking into consideration the aforesaid facts and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the
Principal Magistrate, Juvenile Justice Board, Ludhiana.

Nothing expressed hereinabove would be construed to
be an expression of any opinion on merits of the case.

February 16, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No