

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

234

**CRR-385-2018 (O&M)
Date of Decision : 30.05.2018**

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. SPS Tinna, Addl. A.G. Punjab.

P.B. BAJANTHRI, J.(ORAL)

In the instant petition, petitioner has challenged the order of revisional court as well as trial court order dated 20.12.2017/03.11.2017. Petitioner is stated to be a juvenile. Amongst others petitioner has been arrayed as accused in FIR No. 41 dated 06.03.2017 under Section 18 of NDPS Act, registered at Police Station, City Rajpura, District Patiala. Trial court rejected the petitioner's application for bail on the score that he is juvenile and there is apprehension that he may get into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. This order has been affirmed in the criminal revision by the court of Mr. Baljinder Singh, Judge, Special Court, Patiala on 20.12.2017. Hence the present petition.

2. Learned counsel for the petitioner submitted that co-accused have been released on bail like one Sh. Vinod Yadav in CRM-M-18917-2017 on 13.03.2018. It was also submitted that for the purpose of examining whether petitioner is entitled to bail or not trial court should have examined or report would have been called from the Probation Officer so as to find

out whether petitioner's conduct etc. Then only trial court can appreciate whether petitioner is entitled for bail or not. Such proceedings have not been drawn by the trial court while dismissing the petitioner's bail application on 03.11.2017. Even Session Court failed to appreciate.

3. On the other hand, learned State counsel submitted that there is no infirmity in the trial court as well as appellate court orders since trial court has passed reasoned order to the extent that petitioner is a juvenile. If he is released on bail. There is apprehension that he may get into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

4. Heard learned counsel for the parties.

5. Petitioner is in custody from 09.03.2017. Co-accused have been granted bail. No useful purpose would be served by detaining the petitioner behind the bar. Therefore, petitioner is entitled to relief. The reasons assigned by the trial court are very vague and it is not supported by any documents or version of the Probationer Officer. Since petitioner is a juvenile, only on presumption and assumption trial court declined relief of bail.

In view of these facts without commenting on the merits of case, the criminal revision is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate/Principal Magistrate, Juvenile Justice Board.

30.05.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No