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

CRR No.636 of 2018

Date of Decision: 04.04.2018

SUKHVIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

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

RAJ MOHAN SINGH, J. (Oral)

Petitioner has filed the present petition against the order dated 02.01.2018 passed by the Judge, Special Court, Patiala whereby the appeal of the petitioner under Section 101 (2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as 'the Act') against the order dated 03.11.2017 passed by the Principal Magistrate, Juvenile Justice Board, Patiala was dismissed.

Petitioner and co-accused Yogeshwar Singh were involved in FIR No.155 dated 30.06.2017 registered under Section 22/61/85 of the NDPS Act at Police Station City Rajpura, District Patiala. 140 bottles of Onerex containing 100 ml. Each were allegedly recovered from the accused. As per

FSL report, intoxicant bottles were found containing Codeine salt.

Learned counsel for the petitioner submitted that the co-accused Yogeshwar Singh has already been granted regular bail by this Court vide order dated 25.01.2018 passed in CRM-M No.2296 of 2018. Bail has been declined to the petitioner only on the ground that the release of juvenile is likely to bring him into association with any known criminal and would expose him morally and physically. The ends of justice would be defeated in such eventuality.

I have heard learned counsel for the parties.

In terms of Section 12 of the Juvenile Act and rules framed thereunder, the gravity of offence is immaterial. The only consideration at the time of grant of bail is that the Court is required to reach a conclusion that the ends of justice would be defeated in the event of grant of bail to the juvenile in conflict with law. Grant of bail to the juvenile in terms of Section 12 of the Juvenile Act is a general rule and refusal in an exception. Bail can only be refused in three situation where reasonable grounds appear for believing that the release of the juvenile in conflict with law is likely to bring him into association with known criminals. Secondly, his release would expose him morally, physically and psychologically and thirdly, his release would

defeat the ends of justice.

The satisfaction of the Court on all the aforesaid three considerations are relevant. In terms of Section 14(1) of the Juvenile Act and rules framed thereunder, the Board has to complete enquiry within stipulated period and thereafter on recording the finding in respect of involvement of juvenile, one of the seven dispositional orders enumerated in Section 15 of the Juvenile Act has to be passed.

Since co-accused Yogeshwar Singh has already been granted regular bail and there was no substantive material before the trial Court to form opinion with regard to likely hampering of personality of the juvenile in case of his release in terms of Section 12 of the Juvenile Act, I deem it appropriate to release the petitioner on bail.

In view of above, petition is allowed. Consequently, the impugned orders dated 02.01.2018 and 03.11.2017 are hereby set aside. Petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Patiala.

April 04, 2018

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No