

CRR-1303-2021

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

CRR-1303-2021

Date of decision:30.11.2021

Ful Singh through his mother and natural guardian Smt. Jugni

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gaurav Grover, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present revision is to the order dated 07.09.2021 passed by the learned Additional Sessions Judge, Hisar, vide which appeal preferred by the petitioner against the order dated 31.08.2021 passed by the learned Principal Magistrate, Juvenile Justice Board, Hisar, rejecting the bail of the petitioner/child-in-conflict with law in case FIR No.228 dated 17.05.2021, under Section 20 NDPS Act, 1985, Section 188 IPC and Section 51 of the Disaster Management Act, registered at Police Station Narnaund, has been dismissed.

Learned counsel for the petitioner/child-in-conflict with law submits that the petitioner was not named in the FIR and rather, has been indicted on the disclosure statement of accused, Rajbir; that the petitioner has been in custody since 27.05.2021, and that even accused Rajbir was not present in his house at the time of effecting the alleged recovery.

On the other hand, learned State counsel, while opposing the

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submissions made by the learned counsel for the petitioner for the grant of bail, submits that a huge recovery of *ganja* leaves had been effected in the present case. He also submits that the challan stands presented.

I have heard the learned counsel for the parties.

No recovery had been effected from the petitioner and rather had been effected from the house of accused-Rajbir in his absence. The petitioner has been in custody since 27.05.2021. He is now not required for any investigation purposes. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner in the Observation Home. Moreover, accused, namely, Jasbir alias Jasmer and Geeta stand enlarged on bail by this Court, vide orders dated 27.10.2021 passed in CRM-M-29109-2021 and CRM-M-43505-2021.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the impugned orders dated 07.09.2021 passed by the learned Additional Sessions Judge, Hisar and dated 31.08.2021 passed by the learned Principal Magistrate, Juvenile Justice Board, Hisar, are set aside. The petitioner/child-in-conflict with law is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board/Duty Magistrate, Hisar.

30.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No