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

**CRR No.1324 of 2020(O&M)
Date of Decision: 12.01.2021**

Ankit

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Parminder Walia, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

CRM No.112 of 2021

In the present application, the applicant/petitioner has also laid challenge to the impugned order dated 03.12.2020 passed by the Additional Sessions Judge, Panchkula along with the order dated 12.11.2020 passed by the Principal Magistrate, Juvenile Justice Board, Panchkula.

In view of prayer made in the application, the same is allowed.

CRR No.1324 of 2020(O&M)

Petitioner seeks grant of regular bail in this revision petition by challenging the order dated 12.11.2020 passed by the Principal Magistrate, Juvenile Justice Board, Panchkula and order dated 03.12.2020 passed by the Additional Sessions Judge, Panchkula in case bearing FIR No.567 dated 06.11.2020 registered under Sections 21/61 of the NDPS Act at Police Station Sector-5, Panchkula.

As per prosecution case, the FIR was registered on the basis of secret information that the police party was present in the area abutting Tau Devi Lal Stadium, Sector-3, Panchkula. A Vehicle was apprehended. Darpan was found to be the driver of the car. Anmol Giri and the petitioner were found to be the occupants. 100 grams of charas was allegedly recovered from the petitioner.

Petitioner is in custody since 06.11.2020.

Learned counsel for the petitioner submitted that the alleged recovery is of non-commercial quantity. Petitioner is a minor. The bail has been declined on the ground that if bail is granted to him, he would come in close contacts with criminals and that would expose him morally, physically and psychology and ends of justice would be defeated.

Learned State counsel also endorsed the same arguments that the petitioner is involved in serious offence and grant of bail would expose him and would bring him in close contacts with known criminals and that the ends of justice would be defeated.

Under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and rules framed thereunder, the gravity of offence is immaterial. The complicity of the petitioner would be debatable in view of alleged recovery of 100 grams of charas, which is non-commercial in nature. The only consideration at this stage is to reach at a *prima facie* conclusion that whether by enlarging the juvenile in conflict with law on bail, ends of justice would be defeated or not. Bail can be rejected 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(s), the release would expose him morally, physically and psychologically and the release would defeat the ends of justice.

At this stage, no such firm opinion can be made.

Taking into consideration the totality of facts and circumstances of the case and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail

bonds/surety bonds to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Panchkula.

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

12.01.2021	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No