

CRR-1677-2021

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

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Date of decision: 17.12.2021

Vishal

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present revision is to the order dated 18.11.2021 passed by the learned Additional Sessions Judge, Hisar, vide which appeal preferred by the petitioner against the order dated 01.11.2021 passed by the learned Principal Magistrate, Juvenile Justice Board, Hisar, rejecting the bail of the petitioner/child-in-conflict with law in case bearing FIR No.184 dated 22.06.2021, registered at Police Station Hansi Sadar, District Hansi, under Section 20 NDPS Act (challan filed under Section 20 (c) NDPS Act), has been dismissed.

Learned counsel for the petitioner/child-in-conflict with law submits that the petitioner has been in custody since 22.06.2021; that the petitioner on a motor-cycle was allegedly escorting the motor-cycle of co-accused, Jeeta, who was carrying a plastic bag; that the petitioner was arrested at the spot whereas co-accused had run away from the spot leaving

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behind the motor-cycle and the plastic bag; that the said plastic bag containing 20 kilogram and 100 gram *Ganja*, had been recovered from the ground; that there is no other case registered or pending against the petitioner, at least of a similar nature, and that recovery, if any, stands effected, and that the prosecution witnesses are yet to be examined. Co-accused, Surender Pannu @ Kalu @ Bittu stands granted the benefit of *ad interim* pre-arrest bail by this Court, vide order dated 24.09.2021 passed in CRM-M-39967-2021. On this premise, the learned counsel for the petitioner prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner for the grant of bail, submits that the allegations against the petitioner are serious in nature and that he was leading the co-accused, who had fled from the spot. The charges stand framed.

I have heard the learned counsel for the parties.

In the present case, the recovery stands effected. As noticed above, the co-accused stands granted the benefit of *ad interim* pre-arrest bail by this Court. The petitioner has been in custody since 23.06.2021. The prosecution witnesses are yet to be examined. 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 Bal Sudhar Grah.

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 01.11.2021 passed by the learned

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Principal Magistrate, Juvenile Justice Board, Hisar and the order dated 18.11.2021 passed by the learned Additional Sessions Judge, 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.

17.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No