

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

Criminal Revision No.254 of 2022(O&M)

Date of Decision: April 19, 2022

Abhishek Kumar @ Chottu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Namit Khurana, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

-

HARINDER SINGH SIDHU, J.

The petitioner is a child in conflict with law.

By filing this revision petition, he has challenged the order dated 02.11.2021 passed by the Principal Magistrate, Juvenile Justice Board, Jind, whereby, his application to release him on bail was dismissed. Challenge is also to the order dated 16.12.2021 passed by Ld. Additional Sessions Judge, Jind, dismissing the appeal of the petitioner against the order of the JJB, Jind.

The petitioner is an accused in case FIR No.388 dated 18.12.2020 under Sections 15(C), 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act No.61 of 1985, registered at Police Station Uchana. As per the prosecution, ASI Parveen Kumar received a secret information that Jagrup son of Amar Singh had taken delivery of huge quantity of *Doda post* in a Tata Magic bearing No.PB-08-DG-6706. He has concealed his Tata Magic and will supply the contraband in the area of Narwana. Thereafter, Nakabandi was laid at Karsindhu turn NH 352 and

accused Jagrup son of Amar Singh along with the Tata Magic vehicle was apprehended. On search of the vehicle 414 Kg Poppy Straw was recovered. FIR No.388 dated 18.12.2020 under Section 15 NDPS Act was registered. Further investigation was handed over to ASI Jaibir Singh. On the basis of disclosure of Jagrup, co-accused Rakesh son of Arjun was arrested with Truck No.HR-45C-9998 on 19.12.2020. Thereafter, further investigation was handed over to Inspector Manoj Verma and then to Haryana State Narcotic Control Bureau. The petitioner – a child in conflict with law was arrested on 16.06.2021.

Ld. counsel for the petitioner states that the petitioner has no concern with the contraband allegedly recovered from the truck. The Courts below have failed to appreciate that even as per the prosecution version, the alleged contraband was recovered from Tata Magic vehicle bearing No.PB-08DG-6706. The petitioner was not present at the spot and his name was not mentioned in the FIR. The petitioner is neither owner of the aforesaid Tata Magic nor of the truck No.HR-45C-9998. He is just a cleaner of trucks owned by other co-accused Amandeep's father. It is argued that the petitioner has been falsely implicated in the case. He is not involved in any other case.

The Juvenile Justice Board while declining bail to the petitioner, opined that the release of the petitioner is likely to bring him in association with other criminal and will thereby expose him to moral, physical and psychological danger. The Ld. Additional Sessions Judge dismissed the appeal and endorsed the finding of the Juvenile Justice Board.

The appellate Court also referred to the Social Investigation Report, which

suggested that the cause of the problem was the parental neglect and peer group influence.

Section 12 of the Juvenile Justice Board (Care and Protection) Act, 2015 provides that the moment a juvenile is arrested or detained or brought before the Board, ordinarily such juvenile should be released on bail, with or without sureties or should be placed under the supervision of a Probation Officer or under the care of fit institution or fit person and if he is not released, then he will be kept in the Observation Home in the prescribe manner. Thus, Section 12 of the Act requires that ordinarily, the juvenile be granted bail, except that there are reasonable grounds believing that release is likely to bring him 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.

Accordingly, the revision is allowed. The impugned orders are set aside.

The petitioner is directed to be released on bail on furnishing of bail bonds and sureties by his father and natural guardian Naresh Kumar to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Jind. The father of the petitioner shall also file affidavit that during trial the petitioner will remain in his custody.

April 19, 2022

gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No