

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-812-2021 (O&M)
Date of decision: 05.07.2022

Arshdeep Singh @ Arsh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paras Jagga, Advocate and
Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 28.10.2020 passed by the Principal Magistrate, Juvenile Justice Board, Moga, dismissing the bail application of the petitioner as well as the order dated 26.11.2020 passed by the revisional Court/Additional Sessions Judge, Moga, dismissing the revision petition filed against the order dated 28.10.2020.

Brief facts of the case are that FIR No.200 dated 14.10.2020 was registered under Section 22/61/85 of NDPS Act, at Police Station Dharamkot, District Moga, on an information given by ASI Charanjeet Singh that while on patrol duty, a person was seen coming on motorcycle, carrying a plastic polythene bag hanging on handle of the motorcycle. On seeing the police party,

he became perplexed and tried to turn his motorcycle, however, it slipped. Thereafter, he was apprehended and on inquiry, he disclosed his name as Arshdeep Singh @ Arsh (petitioner). Thereafter, by following the procedure, search was conducted in presence of DSP, Moga and 2500 tablets of Tramadol Hydrochloride TRIO-SR were recovered.

Learned counsel for the petitioner submits that the petitioner was under the age of 18 years, therefore, he moved an application before the Juvenile Justice Board for grant of bail, however, the same was declined by the Principal Magistrate, Juvenile Justice Board vide order dated 28.10.2020 as well as by the revisional Court vide order dated 26.11.2020. It is further submitted that the petitioner is in custody since 14.10.2020; he is first offender; investigation is complete; challan has been presented and out of total 14 prosecution witnesses, none has been examined so far, therefore, it will take some time in conclusion of the trial.

Learned State counsel has filed affidavit of Inspector Jasvarinder Singh, SHO, Police Station Dharamkot, District Moga in the Court today, in which, after verifying contents of the FIR, it is stated that as per FSL report, salt was found to be tramadol and the petitioner was treated as an adult and his case was committed to the Court of Special Judge, Moga, which is now fixed for recording the prosecution evidence.

After hearing learned counsel for the parties and considering long custody of the petitioner and also in view of the fact that he is first offender and it will a matter of trial whether proper procedure was followed or not, this petition is allowed and the impugned orders dated 28.10.2020 and 26.11.2020

passed by both the Courts below, dismissing the bail application of the petitioner, are set aside. The petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No