

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

**CRM-M-51738-2021
Date of decision: 29.04.2022**

Bhinder Singh @ Bhandar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. T. S. Hundal, Advocate for
Mr. N. S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 166 dated 11.09.2021, registered under Section 22(c) and 15(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Major Singh, it is stated that while on a patrol duty, they noticed that a tralla bearing registration number PB-03-AC-0332 was parked and two persons were sitting in the same. On suspicion, the police party came near the same. The driver became nervous seeing the police party and tried to run away, however, he was apprehended and disclosed his name as Yadwinder Singh and the petitioner was the second person, who was sitting in the said tralla. Thereafter, recovery of 02 kgs. of poppy husk and 1400 intoxicant tablets was effected.

Learned counsel further submits that the petitioner is a young

boy aged about 16 years and has no antecedents of involvement in any other case. It is further submitted that the petitioner is in judicial custody for the last more than 07 months.

On the direction of this Court given on 23.03.2022 to the Investigating Officer to clarify about the age of the petitioner, an affidavit has been filed today in Court, vide which, it is stated that it was verified from the Principal, Govt. Senior Secondary School, Village Jodhpur Pakhar, District Bathinda, which is a Govt. School, that the petitioner took admission in 6th Standard on 01.04.2015 and as per school record, his date of birth is 08.07.2004. Primarily the petitioner is aged about 16 years and he was a co-passenger in the aforesaid vehicle.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 07 months and 15 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 07 months; he is not involved in any other case and also in view of the fact that he is a young boy aged about 16 years, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

29.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*