



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

230

CRR-548-2025

Decided on : 03.07.2025

GXXX

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Argued by: Mr. Kartar Singh, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The present revision petition has been filed by the petitioner – Gxxx, aged 16½ years, for setting aside the impugned order dated 15.01.2025, passed by Ms. Vinti, PMJJB, Fatehabad, vide which regular bail granted to the petitioner – Gxxx in FIR No.373, dated 23.11.2024, u/s 21(c) NDPS Act and Section 109 of BNS, 2023, registered at Police Station Sadar Tohana, has been declined, and impugned judgment dated 05.02.2025, passed by Ld. Special Judge, Fast Track, under NDPS Act, Fatehabad, whereby, appeal filed by the petitioner/Juvenile in Conflict (CCL) has been dismissed.

2. Learned counsel for the petitioner submits that as per the allegations, the petitioner – CCL, along with one Mangal Singh s/o Gobind Singh, resident of Village Peeranwali Dhani, District Hisar, was found in a car bearing registration No. HR-27H-9695, which was lying parked in a suspicious condition. Upon noticing the police party, the driver of the car allegedly reversed it, resulting in injuries to SI Sumer Chand and SPO Rohtash. Thereafter, on conducting a search, 272 grams of heroin was

recovered from the dashboard of the said car.

3. Learned counsel for the petitioner – CCL argues that in fact, the petitioner – CCL was not involved in the crime in question, and even if the prosecution story is taken at its face value, there is every likelihood that the co-accused Mangal Singh sought to take undue advantage of the juvenility of the petitioner – CCL. It is further submitted that since the recovery was not effected from the person or the clothes worn by the petitioner – CCL, but rather from the dashboard of the car. The broader issue would be, whether the petitioner was in conscious possession of the contraband and had knowledge of its presence and its consequences.

4. Learned counsel further submits that the co-accused Mangal Singh is still in custody, and therefore, it can reasonably be expected that there is no likelihood of the petitioner – CCL coming into contact with persons involved in criminal or anti-social activities.

5. By referring to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for brevity, 'the Act'), learned counsel argues that petitioner – CCL is entitled for bail by applying the principle in general.

6. On the other hand, learned State counsel while filing the status report dated 02.07.2025 in Court today, argues that substantial material is already available in the present case to prove the case of prosecution. However, he is unable to controvert the other factual positions.

Besides, as per para No.13 of the status report, petitioner – CCL is not found to be involved in any criminal case.

7. Taking note of all the circumstances and noticing the provision of law, i.e., Section 12 of the Act, and also noticing the age of the petitioner – CCL (age 16½ years), this Courts deems it appropriate to consider the plea

of bail at this stage.

8. Consequently, the impugned order dated 15.01.2025, passed by Ms. Vinti, PMJJB, Fatehabad, as well as the impugned judgment dated 05.02.2025, passed by Ld. Special Judge, Fast Track, under NDPS Act, Fatehabad, are hereby **set-aside**. Accordingly, petitioner – GXXX, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record.

11. Petition stands disposed of.

It is, however, made clear that in case it is found that the parents of the petitioner – CCL have failed to properly look after him, or that he has come into contact or company of any unsocial elements involved in criminal activities, it shall be open for the prosecution to move an appropriate application for cancellation of bail.

(SANJAY VASHISTH)
JUDGE

July 03, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*