



**220-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-1630-2025

Date of decision: 25.09.2025

JUVENILE BXXXXXX

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present revision petition has been preferred by the petitioner assailing the order dated 29.03.2025 passed by learned Additional Sessions Judge, Amritsar, whereby, the prayer to release the petitioner on regular bail has been declined in FIR No.90 dated 08.11.2024 under Sections 21-C, 23, 29 of NDPS Act registered at Police Station C-Division, Amritsar.

2. Briefly stated, the aforesaid FIR was registered against the petitioner/juvenile along with other accused, namely, Gurinder Singh *alias* Ginder and Gagandeep Singh *alias* Gagan on the basis of secret information received by ASI Manjinder Singh on 08.11.2024, when he along with his police party was present near turning point of Grain Market, Bhagtanwala Chowk, Amritsar. The secret information was to the effect that the petitioner/juvenile alongwith the aforesaid co-accused was indulging in the drug trafficking. They are in contact with the drug smugglers across the border in Pakistan and used to procure consignments of the contraband through



drones in the border districts of Punjab including Amritsar district for its sale in the different areas of Punjab. A heavy quantity of contraband could be recovered from them if they are interrogated strictly after arresting them. Accordingly, after registration of the FIR, a raid was conducted at the disclosed place and petitioner/juvenile along with other co-accused was arrested on the same date. On 09.11.2024, 02 Kgs of heroin was recovered at the demarcation of the petitioner/juvenile as well as other co-accused in accordance with their disclosure statements. During further investigation, the petitioner/juvenile produced his 10th standard certificate before the then learned Duty Magistrate, Amritsar on 12.11.2024, who referred him to the Juvenile Justice Board, Amritsar and he was ordered to be sent to the Observation Home, Shimlapuri, Ludhiana by the Principal Magistrate, Juvenile Justice Board, Amritsar on 12.11.2024.

3. Learned counsel for the petitioner contended that the petitioner is a young boy aged about 16 years, pursuing his class 11th and he is very good in studies. The present petition has been filed through father of the petitioner, who is a small shopkeeper. As per the mandate of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'J.J. Act') the bail can be declined to a juvenile on the ground of his safety and it is to be seen whether he may come into contact with a known criminal, or if the juvenile may be exposed to physical, psychological danger. The purpose of the act is that the children even if get into some conflict in law, they must be reformed and not punished. He further contended that present petitioner is in confinement since 12.11.2024 and if he is further kept in the observation home, it will diminish his future prospect. As such, learned counsel prayed for grant of regular bail to the petitioner.



4. Learned State counsel filed status report dated 07.09.2025, which is taken on record. Learned State counsel opposed the prayer for regular bail of the petitioner and submitted that huge quantity of contraband i.e. 02 kgs of heroin is involved in the present case, which was recovered on the disclosure statement made by the present petitioner and co-accused. As such, the petitioner is involved in heinous crime and is not entitled for the concession of regular bail. NDPS offences are not ordinary crimes; they strike at the root of public health and societal stability.

5. This Court has heard learned counsel for the parties and gone through the reply. Relevant paragraph of the reply is reproduced hereunder :

“During personal interaction with the CCL Child family and Co-villagers in the area. It is come into our knowledge that CCL child has been doing study in +1 class. Previous record of the study reveals that CCL child obtained 555/600 with A+ Grade in 10th Examination Certificate. He is good in study. He also got Appreciation Certificate in Moral Education Examination from Guru Gobind Singh Study Circle CCL Child father having Grocery Shop in Village Tapijala.

As per investigation CCL child has influence of his peer group. Parents of the CCL child claimed that our son is innocent. It is heinous offence. No previous case history has been found that CCL child is not involved in any case. Parents are ready to keep the CCL Child under their supervision. Counselling may be recommended for the best interest of child. Report is submitted, please.”

6. The present petition is filed by father of the petitioner, so taking into consideration the facts and circumstances of the case along with the social investigation report which is in the best interest of the petitioner, this Court finds merit in the present petition.

7. The J.J. Act is based on the belief that children are the future of the society and in case, they go into conflict with law under some



circumstances, they should be reformed, rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society. Section 12 of the J.J. Act is in consonance with the purpose and object of the Act, providing for mandatory bail to a juvenile in conflict with law unless the grounds as provided in proviso to Section 12(1) of the J. J. Act is/are present, so that child is re-united with his family at the earliest opportunity and the protection, development, reformation and rehabilitation of the child is ensured. Moreover, the spirit of the trite principal of law that “*Bail is a rule and jail is an exception*” is reflected in the provision of Section 12 of J.J. Act, which is reproduced hereunder :

“12. Bail of juvenile:

(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety [or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person] [Inserted by Act 33 of 2006, Section 10 (w.e.f. 22.8.2006).] but he shall not be so released if there appear reasonable grounds for believing that the 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.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.”

8. Therefore, in view of the aforesaid discussion, the instant petition is allowed. Juvenile Justice Board/trial Court is directed to release the petitioner on regular bail on furnishing requisite bonds to the satisfaction of the Juvenile Justice Board/trial Court concerned by his father with an undertaking that he will take care of the petitioner and shall not allow him to accompany anti-social elements and produce him before the trial Court/juvenile Justice Board as and when required.

8. The Juvenile Justice Board/trial Court is also directed to explore the possibility, if required any counselling and direct him to appear before the concerned legal services authority and they will provide him counsel as per the schedule if any.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 25, 2025
manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No