



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

220

CRR-3042-2025
Date of Decision: 05.12.2025

VISHAL SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. H.S. Batth, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Sections 483 and 528 of BNSS, 2023 for setting aside the order dated 01.08.2025 passed by the Court of Principal Magistrate, Juvenile Justice Board, Tarn Taran in FIR No.35 dated 28.02.2025 under Sections 21-C and 29 of NDPS Act, 1985 registered at Police Station Sadar Tarn Taran, whereby the regular bail application of the petitioner has been dismissed as well as the order dated 02.09.2025/03.09.2025 passed by the Addl. Sessions Judge, Tarn Taran, whereby the appeal preferred by the petitioner against the aforesaid order dated 01.08.2025 has also been dismissed.

2. The case of the prosecution is that the petitioner, who is a juvenile, was apprehended alongwith his co-accused with 400 grams of heroin.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He submits that the

petitioner is not involved in any other criminal case. He further contends that the petitioner is a juvenile of 16½ years and his entire career is at stake. It is also submitted that the petitioner is in observation home since 28.02.2025. The inquiry against the juvenile petitioner is yet to commence and the same is likely to take a long time to conclude. Hence, the counsel prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Rohit Hans, DAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition.

6. I have heard the learned counsel for the parties and perused the record.

7. Undisputedly, the allegations against the petitioner are serious. However, the learned State Counsel is not in a position to deny the fact that the petitioner is in observation home since 28.02.2025. It is also noteworthy that notice of accusation is yet to be served upon the petitioner. Hence, the inquiry against the juvenile petitioner is yet to commence, which may take a long time to conclude. Otherwise also, the petitioner is not involved in any other case and is not required for any further interrogation. Moreover, speedy trial is a material right of the petitioner (the child in conflict with law), which could not be infringed and he cannot be kept behind bars for long, especially when his guilt is yet to be proved in accordance with law. Hence, this Court deems it appropriate to grant the concession of regular bail to the petitioner at this stage.

8. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in observation home since 28.02.2025 and the inquiry against the juvenile petitioner is yet to commence, which may take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.
9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
10. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
11. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

DECEMBER 05, 2025.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No