

**CRR-1104-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****227****CRR-1104-2024
Decided on: February 25, 2025****Sunny****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH****Present: Ms. Prabhjot Kaur Virk, Advocate
for the petitioner.****Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.************SANJAY VASHISTH, J.**

1. The instant criminal revision petition has been filed under Section 401 Cr.P.C. (now Section 442 BNSS, 2023), impugning the judgment dated 18.03.2024, passed by learned lower Appellate Court/Additional Sessions Judge, Jind, whereby while rejecting the appeal, order dated 05.03.2024, passed by learned Principal Magistrate Juvenile Justice Board, Jind, dismissing the regular bail application of the Child in Conflict of with Law (petitioner herein) [hereafter referred to as 'the CCL'], in FIR No. 333, dated 18.11.2023, under Sections 15-C and 29 of the NDPS Act, 1985, registered at Police Station Uchana, District Jind, has been upheld.

2. Learned counsel for the petitioner submits that on the basis of secret information, a raid was conducted and as a result thereof aforementioned FIR has been registered against the CCL and co-accused,



namely, Narender Jeet, Prabhjot, Ashok Kumar, Aslam Masih, with the allegation of smuggling of poppy-husk. As per the version of the FIR, 11 plastic bags containing poppy-husk, total weighing 220 Kgs., were found from the spot, and each bag was weighing 20 Kgs. Allegation against the CCL is that he was also accompanying the other accused persons and at the time of raid was found sitting over one of the bag. Learned counsel submits that admittedly the CCL is a juvenile and it would be heavily upon the prosecution to prove his conscious possession of the bag on which he was allegedly sitting. For proving so, the prosecution would be required to lead affirmative evidence to the effect that substance of the contraband, i.e. poppy husk lying in the bag, was within knowledge of the CCL. Even thereafter also, it would be possible for the CCL to take a plea that being not fully mature by age and without understanding the complexities of the legal provisions, if at all found in possession of the contraband, it cannot be said that he has committed any crime. In other words, knowledge apart, if any, the CCL cannot be equated with an ordinary prudent man, who is major by age.

Learned counsel for the CCL also argues that the investigation is complete and final report (challan) has already been presented in the Court. There are 24 prosecution witnesses, and the trial is likely to take long time to conclude. Further submits that the co-accused, namely, Ashok Kumar, Narender Jeet and Pawanpreet Singh (arrayed as an accused on the basis of disclosure statement of co-accused Narender Jeet), have already been granted the concession of bail by this Court, vide orders dated 23.01.2025, passed in CRM-M-65273-2024,



CRM-M-46564-2024 and CRM-M-22080-2024, respectively. And, co-accused – Vijay Kumar has been enlarged on bail by this Court, vide order dated 24.02.2025, passed in CRM-M-9446-2025.

Thus, prays for setting aside of the impugned judgement dated 18.03.2024, passed by learned Additional Sessions Judge, Jind, as well as the order dated 05.03.2024, passed by learned Principal Magistrate Juvenile Justice Board, Jind, and to grant the concession of bail to the CCL.

3. Learned State counsel while opposing the prayer made by learned counsel for the CCL submits that huge quantity of contraband, which is commercial in nature, has been recovered from the possession of the CCL and other co-accused. However, learned State counsel is unable to controvert the other assertions advanced by learned counsel for the CCL.

4. Considering the totality of circumstances, and the submissions addressed by both sides, especially keeping in view the fact that the CCL is admittedly a juvenile and his case is on better footing; four co-accused, namely, Ashok Kumar, Narender Jeet, Pawanpreet Singh and Vijay Kumar, who were also found sitting over the bags containing poppy husk, have already been extended the concession of bail, by this Court, vide orders dated 23.01.2025 and 24.02.2025; and different yardstick cannot be applied in the present case, I deem it appropriate to grant the concession of bail to the CCL.

5. Consequently, the present criminal revision petition is **allowed**. Impugned judgement dated 18.03.2024, passed by learned

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Additional Sessions Judge, Jind, as well as the order dated 05.03.2024, passed by learned Principal Magistrate Juvenile Justice Board, Jind, are hereby set aside. Resultantly, the CCL is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Special Court / Chief Judicial Magistrate / Duty Magistrate concerned. The CCL be released forthwith, if not required in any other case.

6. Needless to observe that the CCL shall not extend any threat or influence any prosecution witness in any manner directly or indirectly.

7. The observations made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Special Court is expected to decide the case on the basis of complete evidence available on record.

8. It is further made clear that if in future the CCL is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Revision petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

February 25, 2025
Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**