

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

204

CRM-M-19181-2021.

Date of Decision: 19.05.2021.

Gaurav Aggarwal

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Preetwinder Singh Dhaliwal, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C has been moved by petitioner- **Gaurav Aggarwal** for grant of regular bail in case FIR No.98 dated 13.07.2020 under Sections 22 and 25 of NDPS Act [offence under Sections 22(c) and 29 of NDPS Act added later on), registered at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that allegedly 2300 tablets

of Clovidol-100 SR (Tramadol Hydrochloride) were recovered from co-accused namely Jagga Singh and Shinder Kaur. He further urges that petitioner was not named in the FIR and as a matter of fact petitioner has been roped in as accused merely on the disclosure statement of co-accused Kala Singh on the allegations that contraband so recovered was taken by him from the petitioner. He further urges that nothing incriminating was recovered at the instance of petitioner. He further submits that since alleged recovery of contraband was effected from the conscious possession of co-accused namely Jagga Singh and Shinder Kaur, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is in custody since 22.09.2020 and he is no more required by the Police for any investigation purpose. He further urges that case of petitioner falls on parity with that of co-accused Dhirender Singh Rathaur, who has already been granted concession of bail by this Court vide order dated 06.04.2021 passed in CRM-M-11855-2021. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 22.09.2020; that *Challan* has already been presented in Court and consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner – **Gaurav Aggarwal** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, **Barnala**, as the case may be.

(LALIT BATRA)
JUDGE

19.05.2021
d.gulati

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