

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

118/2

CRM-M-34662-2021(O&M)

Date of Decision: 24.11.2021.

Aman Malik @ Nakul

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. A.P.S. Sandhu, 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- **Aman Malik @ Nakul** for grant of regular bail in case FIR No.14 dated 20.01.2021 under Sections 21(c), 25 and 29 of NDPS Act, registered at Police Station STF, District S.A.S. Nagar (Mohali).

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 petitioner was not

named in the FIR, whereas name of petitioner surfaced in the array of accused in terms of disclosure statements rendered by co-accused namely Deepak @ Deepu and Sonu Kumar @ Sonu. He further submits that allegedly contraband [Heroin weighing 262 grams (commercial quantity)] was recovered from co-accused Deepak @ Deepu and Sonu Kumar @ Sonu, whereas petitioner has no nexus whatsoever with the alleged offence. He further submits that except abovesaid disclosure statement and that too of co-accused, there is no iota of incriminating evidence against the petitioner to create his nexus with the commission of alleged offence. He further submits that petitioner has been arrayed as accused while invoking provisions of Section 29 of NDPS Act as no contraband was recovered at the instance of petitioner and once allegedly recovery of contraband (commercial quantity) was effected from the conscious possession of co-accused namely Deepak @ Deepu and Sonu Kumar @ Sonu, rigours of provisions of Section 37 of NDPS Act cannot be attracted against the petitioner. He further urges that petitioner is languishing in custody since 27.01.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has been presented in Court and trial has commenced. He further submits that 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 languishing in custody since 27.01.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and 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 – **Aman Malik @ Nakul** 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, Amritsar, as the case may be.

(LALIT BATRA)
JUDGE

24.11.2021
d.gulati

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