

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-34122-2021

Date of decision: 4th July, 2023

Gaurav Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rohit Kapoor, Advocate for the petitioner.
Mr. Gaurav Garg Dhuriwala, Addl. A.G. Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking regular bail in FIR No. 344, dated 13th July, 2020, under Sections 22(c), 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), and later on added Section 7 and 13 of Prevention of Corruption amended Act, 2018 and Sections 465, 467, 468, 471, 120-B of Indian Penal Code, 1860, registered at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner claims parity with co-accused Jatinder Kumar Arora @ Vicky who was granted regular bail by this court on 20th December, 2021 in CRM-M-52043-2021. He further submits that in the present case no recovery was made from the petitioner-Gaurav Arora and his name surfaced during interrogation of the co-accused.

3. The following order was passed by this Court on 20th December, 2021 in CRM-M-52043-2021:-

[1] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 344, dated 13th July, 2020, under Sections 22(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'NDPS Act'] (Sections 7, 13 of the Prevention of Corruption (Amended) Act, 2018 [for short 'P.C. Act.']) and Sections 465, 467, 468, 471, 120-B IPC were added later on), registered at Police Station City Barnala, District Barnala.

[2] Brief facts of the case are that FIR was registered on the basis of secret information that Palo Kaur was indulged in selling of narcotic substances. The information was acted upon and Palo Kaur was apprehended. The recovery of 580 tablets of Clovidol 100s Intoxicant was effected from her on 13th July, 2020. During interrogation, she named Gaurav Aggarwal and Dheerendra Singh. They were apprehended on 14th July, 2020. The recovery effected from them is as under:-

Gaurav Aggarwal Singh	108000 tablets of Alprazolam
Dheerendra Singh	7500 tablets of Buprenorphine Injection IP Leegesic 570000 tablets of Alprasaft 0.5
Joint Possession of Gaurav Aggarwal and Dheerendra	165 Injections of Leegesic 2552 Capsule of Simplex Plus 4740 Capsule of Foridol 500 Tablets of Clovidol 500 Tablets of Prozolam Rs. 35,000/- Drug money from their house

On the basis of interrogation from Gaurav Aggarwal and Dheerendra Singh, the names of Kapil Arora, Raghu Raja and Vikas Mangal surfaced on 20th July, 2020. The recovery effected from them is as under:-

Raghu Raja	50000 Tablets of Clovidol SR 40000 Tablets of Alko-1 Rs. 48,58,800/- drug money from his house
Vikas Mangal	10000 Capsules of Foridol 24000 Tablets of Clozerid-2 Rs, 11,75,000/- drug money from different houses.

During interrogation on 22nd July, 2020, Harish Bhatia @ Raju Sachdeva, Gourav Arora (Director of Neutec Health Care Pvt. Ltd.), Krishan Arora (father of Gourav Arora), Rakesh Bansal @ Nikka were nominated. The recovery of 4000 Tablets of Cleam Kit and 4000 bottles of Eskuf syrup was effected from Harish Bhatia @ Raju Sachdeva on 29th July, 2020. During interrogation of Harish Bhatia @ Raju Sachdeva, Gaurav Aggarwal, Dheerendra Singh, Raghu Raja, Kapil Arora and Vikas Mangla, the petitioner (Jatinder Kumar

Arora @ Vicky) was nominated. The role attributed to the petitioner is that he facilitated the accused and he acted as a link between accused and police official.

[3] Mr. Sonpreet Singh Brar, learned counsel for the petitioner submits that petitioner is in custody since 22nd September, 2020. He was named during interrogation of Gaurav Aggarwal and Dheerendra Singh. He was produced on production warrant, no recovery was effected from him. It is further contended that petitioner was nominated due to his involvement in another FIR under the NDPS Act. The allegations against the petitioner are under P.C. Act. He relies upon the fact that co-accused Kapil Arora and S.I. Surjit Singh were granted regular bail by this Court on 28th May, 2021 and 8th June, 2021.

[4] Learned State counsel opposes the prayer for grant of bail and submits that heavy recovery was made in the scam. Petitioner is involved in another FIR under the NDPS Act.

[5] Heard the learned counsel for the parties at some length and perused the pleadings.

[6] It is forthcoming that there was no recovery from the petitioner, he was named during the interrogation of Gaurav Aggarwal and Dheerendra Singh. The evidentiary value of the statement would be subject matter of trial. Considering that investigation is complete, challan stands presented and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing adequate bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is allowed.

[8] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

4. Learned counsel for the State opposes the prayer for grant of bail and on instructions submits that petitioner is involved in number of FIRs. However, he is not in a position to distinguish the case of the petitioner qua the co-accused-Jatinder Kumar Arora so far as grant of bail is concerned.

5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete but conclusion of trial is likely to

take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.
7. Since the main case has been decided, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]

JUDGE

4th July, 2023

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No