



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-1321-2025
Decided on: January 17, 2025

Sanjeev Chawla @ Sanjiv Chawla
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Baljinder Singh Sra, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of the BNSS, 2023, for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Sanjeev Chawla @ Sanjiv Chawla	147	20.09.2024	S. 21(c), 20, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and S. 25, 54, 59 of Arms Act (Ss. 27A and 29 of NDPS Act added later on)	Special Task Force	STF Wing (Mohali)

2. Learned counsel for the petitioner submits that on the basis of some secret information, initially the FIR was registered against co-



accused, namely, Chandan Sharma, Akash Sharma, Arvinder Singh, Lovepreet Singh @ Lavi, Rinku Thapar, Bharat, Divyam, Pratham and Ankush Bhatti, with the allegation that they work together to sell and buy heroin in the area of Jalandhar and Amritsar. Thereafter, 7 persons including the present petitioner were nominated in the present FIR. Further submits that co-accused Kamal Kumar was nominated on the basis of disclosure statement of Lovepreet Singh @ Lavi, and later on said Kamal Kumar in his disclosure statement named the present petitioner.

3. Further submits that as per allegation against the petitioner, an amount of Rs. 18,35,950/-, being drug money, has been recovered from him. In fact, petitioner is working as an employee/munshi (accountant) for the last about 10 years in the business of co-accused Prince Garg and his father (co-accused Pawan Kumar), who run their business of cattle feed, under the name and style of M/s Garg Industries, GT Road, Jagraon, Ludhiana. And, from said co-accused an amount of Rs. 74,12,300/- has been allegedly recovered.

4. Learned counsel for the petitioner also argues that the police has falsely implicated the petitioner; no contraband has been recovered from him; the petitioner is not involved in any other case of similar nature; the alleged recovery of drug money from the petitioner is actually a payment received by the firm with regard to sale of cattle feed, where he is working as a employee/munshi; and that the petitioner is inside jail since 25.09.2024. Thus, prays for grant of bail to the petitioner.



5. On advance notice, Mr. Amandeep Singh Samra, learned Assistant Advocate General, Punjab, caused appearance, and while opposing the submissions addressed by learned counsel for the petitioner submits that the present petitioner being active member of the group, which is involved in the business of illegal activities falling under the crimes relating to NDPS Act, cannot be termed as innocent person. However, learned State counsel has not disputed the fact that name of the petitioner has figured only in the disclosure statements of other co-accused. It is also not disputed that he is inside jail since 25.09.2024, no contraband has been recovered from him, and that petitioner is not involved in any other case of similar nature. After completion of investigation, final report/challan has been presented. However, charges are yet to be framed.

6. I have considered the submissions addressed by both the sides and also examined the record. Admittedly, no contraband or any other material, except recovery of an amount of Rs. 18,35,950/- being drug money, has been recovered from the possession of the petitioner at the time of conducting the raid or arresting him. Thus, it appears that simply on account of recovery of said amount, the prosecution intends to built up a case against the petitioner falling within the ambit of NDPS Act.

7. This Court finds that, *prima facie*, the submissions addressed by learned counsel for the petitioner are convincing for the purpose of examining liberty of the petitioner, until some substantial evidence is adduced by the prosecution. For indefinite period and only



on assumptions of involvement in the crime, the petitioner cannot be kept behind bars.

8. In view of totality of circumstances, and the factors recorded herein above, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observations made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

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

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 17, 2025
P Kapoor

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