



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

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CRM-M-3216-2025

Decided on : 29.01.2025

Shaswat Aggarwal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 20(b)(ii)(c) and 29 of NDPS Act, in FIR No. 180, dated 14.06.2024, registered at Police Station Sector 65, District Gurugram, during the pendency of trial.

2. Learned counsel for the petitioner submits that petitioner is a young boy aged 22 years and except of the present case he was never found involved in similar activity. Counsel also submits that the alleged recovery in the present case is 20 kgs 380 gms of ganja from his co-accused namely; Rahul @ Raju and Sanjay Pandit. The alleged recovery is from the vehicle, which was being driven by co-accused-Sanju @ Pandit and co-accused-Rahul was sitting on the rear seat.

Counsel further submits name of the present petitioner has been dragged in the present case on the basis of second disclosure statement suffered by co-accused-Rahul, only for the reason that the main accused were using the vehicle, which belongs to the petitioner.

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3. Counsel also submits that petitioner is in custody since 12.11.2024 and after completion of investigation final report/challan was submitted on 19.12.2024 but charges have not been framed till date. Counsel for the petitioner also submits that as per the list appended with the final report, there are total 20 prosecution witnesses but till date none has been examined.

4. Counsel further submits that simply use of the vehicle would not raise presumption of involvement of petitioner in the alleged crime and therefore, the question whether petitioner was in conscious possession of the contraband or not, requires its determination at final stage of trial, thus, prays for grant of regular bail.

5. On the other hand, learned State counsel while opposing the prayer of the petitioner submits that the petitioner is involved in six other criminal case, but none of the case earlier registered is under NDPS Act.

For reference, details of the cases as as under:

(i) FIR No. 458 dated 25.08.2022, under Section 3/25 of Arms Act, Police Station Pilakhuwa.

(ii) FIR No. 454 dated 25.08.2022, under Section 307, 504, 34 IPC, Police Station Pilakhuwa.

(iii) FIR No. 379 dated 04.08.2023, under Section 3/25 of Arms Act, Police Station Pilakhuwa.

(iv) FIR No. 478 dated 23.09.2023, under Section 323, 307, 506, 427 IP and 3/25 of Arms Act, Police Station Pilakhuwa.

(v) FIR No. 408/2020, under Section 188, 268, 269 IPC, Section 3 of the Epidemic Diseases Act, 1897 and Section 4, 21, 24 of the Cigarettes and Other Tobacco Products Act, 2003, Police Station Pilakhuwa.

(vi) FIR No. 562/2018, u/s 323, 504, 506 IPC, Police Station Pilakhuwa.

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Learned State counsel does not dispute the factual aspects narrated by the petitioner that the trial is yet to commence because charges have not even been framed. She further submits that looking at the criminal antecedents of the petitioner, he does not deserve any leniency, hence, prays for dismissal of the present petition.

6. After hearing learned counsel for the parties and going through the present petition as well as the documents appended thereto and the fact that the petitioner is a young boy aged 22 years and found involved in the case on the basis of second disclosure statement suffered by his co-accused Rahul, this Court is of the view that plea of releasing the petitioner on bail is worth consideration. Moreover, after leading the complete evidence by the prosecution agency, the complexity of the petitioner is yet to be determine by answering the question, as to whether petitioner was having conscious possession of the contraband or not, as admittedly, he was not there on spot at the time of recovery.

Otherwise also, petitioner being a young boy requires to be afforded one opportunity to rise up and rehabilitate in the society to join the normal course of life. Therefore, this Court allows the prayer of bail made in the present petition.

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.

7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case



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on the basis of evidence available on record.

8. 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.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 29,2025
rashmi

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