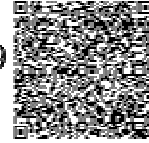


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-11325-2025 (O&M)
Date of decision: 08.04.2025**

Vinay Aggarwal**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Wadhawan, Advocate and
Ms. Rahi Mehra, Advocate
for the petitioner.

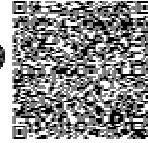
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail to the petitioner in FIR No. 68 dated 22.08.2023, registered under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 10, 11 and 12 of the Aircraft Act, 1934 (Sections 27-A, 29, 23 and 31-A of the NDPS Act and Section 411 of IPC added later on) at Police Station Sarai Amant Khan, District Tarn Taran. The first petition, bearing **CRM-M-25461-2024**, was dismissed as withdrawn on 03.12.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 22.08.2023, co-accused Jugraj Singh @ Jagga, while on coming on a motorcycle bearing registration number PB-02-CN-8352, was apprehended by the police party and recovery of 02 kgs. of heroin and one drone was effected from him. He was formally arrested at the spot. During interrogation, he disclosed that the recovered contraband and the drone was

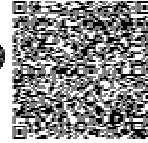
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supplied by one Happy Kakkar from Pakistan, who was the resident of Italy. He further disclosed that on the instructions of said Happy Kakkar, he used to supply heroin to Baba Nishan Singh and Mewa Singh and hand over the money received in the transaction to the present petitioner through Hawala, after keeping some amount of money with himself. He got recovered an amount of Rs.20,000/- from his house. On the basis of the disclosure statement suffered by co-accused Jugraj Singh @ Jagga, the petitioner and other persons were nominated in this case as accused. The petitioner was arrested on 23.08.2023. He admitted that he was involved in smuggling of heroin since long with the smugglers of Pakistan and Afghanistan and the drug money used to be transferred through Hawala. On his demarcation, recovery of drug money of Rs. 14.5 Lakhs, US dollars and Dirham amounting to Rs. 1,79,832/-, some mobile phones along with SIM cards and one money counting machine including certain other articles was effected from his house. He also got recovered drug money of Rs. 10 Lakhs from his godown. On the disclosure of the petitioner, some other persons were also nominated in this case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Co-accused Lakshay Aggarwal, who is son of the petitioner, has been discharged by the learned trial Court as no prima facie case was found against him, vide order dated 27.11.2024. The petitioner is a businessman and the money recovered from his house and godown was not the drug money. A perusal of aforementioned discharge order would show that the

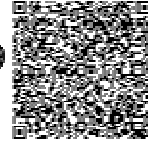
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entire recovered money has been accounted for and none of the recoveries effected from the petitioner were connected to drug peddling in any way. Rather, the recovered articles were related to his business. The petitioner is being repeatedly implicated in false cases by the Amritsar Police. The petitioner was involved in four other cases, out of which, in two cases, he stands acquitted and in one case, he has been discharged, whereas in one case, he has undergone the sentence. Apart from this, the petitioner is not maintaining good health as he is suffering from Myasthenia Gravis, which is a disease due to which the communication between the nerves and muscles is blocked and receptor sites on muscles are destroyed. He needs proper medical attention for his well being, which is not possible while in custody. On medical grounds alone, the petitioner deserves to be released on bail. The trial is likely to time. The petitioner is in custody since long. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious and specific allegations against him. He was actively involved in drug peddling with local as well as foreign smugglers. He is a part of a large group of drug peddlers who were involved in smuggling of contraband. Heavy recovery of drug money along with certain other articles was effected from him. He was involved in one case under the NDPS Act, wherein he has undergone the sentence. So far as his medical condition is concerned, the jail doctor has reported his condition to be stable. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Trial is going on at a proper pace. It is, thus,

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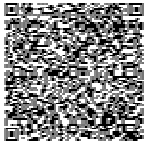


urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused Jugraj Singh @ Jagga, who was apprehended by the police party on 22.08.2023 and from whose possession, recovery of 02 kgs. of heroin and one drone was effected from him. The allegations against the petitioner are that he was actively involved in smuggling of drugs with local as well as smugglers of Pakistan and Afghanistan. He used to receive the drug money through Hawala. Huge recovery of drug money along with certain other articles has been effected from him. There are serious allegations against the petitioner. His criminal antecedents are also not clean. So far as the claim of the petitioner for released on bail on medical grounds is concerned, a perusal of the report of the jail doctor annexed with status report dated 03.04.2025 reveals that he is now in stable condition with normal vital signs and no acute distress was noted during the examination. It is also reported that his disease Myasthenia Gravis and Hypertension were managed with the ongoing treatment. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the gravity of the allegations levelled against the petitioner, the quantity of recovered contraband in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the

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considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.04.2025

Naseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No