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

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CRM-M-36065-2025 (O&M)
Date of decision: 07.08.2025

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

Present:- Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing 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 previous petition, bearing number **CRM-M-11325-2025**, was dismissed by this Court on 08.04.2025.

2. The petitioner has been arraigned as an accused in the aforementioned FIR on the basis of the disclosure statement suffered by co-accused Jugraj Singh @ Jagga, who was apprehended by the police party on 22.08.2023 and from whom recovery of 02 kgs. of heroin was effected. The allegations against the petitioner are that the co-accused used to hand over the

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drug money to him. The petitioner was arrested on 23.08.2023 and since then he is in custody.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No criminal case is pending against him. He has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence. Subsequent to arrest of the petitioner, no contraband whatsoever has been effected from him. He is a patient of 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. Even on medical grounds, the petitioner deserves to be released on bail. Even otherwise, investigation stands completed and *challan* has been filed. However, the trial has not yet started as even charges have not been framed. The petitioner is in custody since 23.08.2023. Conclusion of trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status reports have been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, 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,

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who was apprehended by the police party on 22.08.2023. Subsequent to arrest of the petitioner, no contraband has been recovered from him. No other case is shown to be pending against him. A perusal of the status report reveals that the trial is substantially delayed as despite the fact that *challan* was presented on 14.08.2024, even charges have not been framed so far. It is also revealed that supplementary *challan* qua some co-accused is yet to be filed. Hence, conclusion of trial would obviously take a long time. The petitioner is also stated to be a patient of aforementioned disease, for which, he needs proper medical as well as personal care. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.08.2025

Museem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No