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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-62307-2024
Date of decision:-06.02.2025

AARUSH MALHOTRA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kulbhudhsn Raheja, Advocate and
Mr. Nitin Meel, Advocate for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Mr. Arvind Meena, Assistant Commissioner of Police, North, Amritsar has filed his affidavit dated 05.02.2025, the same is taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023(BNSS), for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
12	16.02.2024	22, 29 of NDPS Act	Majitha Road, District Police Commissionerate, Amritsar

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but his name surfaced



allegedly on the disclosure statement of co-accused Kannav Khanna. He contends petitioner has no concern with the alleged recovery from Kannav Khanna nor any recovery has been effected from the petitioner consequent upon his arrest on 16.02.2024. He contends that petitioner was granted interim bail on 10.04.2024 but on receipt of FSL report, petitioner surrendered in court on 05.10.2024, since then he is custody. He submits that after completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has not disputed the fact that petitioner was not named in the FIR and his name surfaced in the disclosure statement of the co-accused Kannav Khanna from whom contraband was recovered, hence prayed for dismissal of the petition. However, he has admitted that no recovery of contraband was effected from the petitioner and the challan already stand presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the police had apprehended Kannav Khanna and some others persons and recovered contraband i.e. 2000 tablets of Tramadol and during course of interrogation Kannav Khanna made disclosure statement naming the petitioner as supplier, accordingly petitioner was arrested, however no recovery was effected from the petitioner in this case.

7. It is evident that after completion of investigation, challan has already been presented in Court which is pending trial and till date no



witness of the prosecution has been examined. The petitioner is not having any criminal antecedents and even no recovery of contraband has been effected from him consequent upon his arrest in this case on 16.02.2024. The conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

8. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

06.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |