

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.216-A****Case No. : CRM-M-62037-2024****Decided On : January 15, 2025**

Chetan Aggarwal Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH.

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Present : Mr. Punyaveet, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

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SANJAY VASHISTH, J. (Oral) :

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for grant of regular bail to the petitioner in case FIR No.147 dated 20.09.2024, under Sections 21-C, 20, 27-A, 29/61/85 of the NDPS Act, 1985, Section 25/54/59 of Arms Act and Section 2/9/39/44/48-A/49/49-A/49-B/50/51 of Wildlife (Protection) Act, 1972, registered at Police Station Special Task Force, Police District STF Wing, SAS Nagar (Mohali).

2. Counsel for the petitioner submits that the petitioner has not been named in the FIR, nor he was present at the spot. His arrest is subsequent in time and that too, on the basis of disclosure statement of co-accused namely Harvinder Singh, from whom also, no contraband has been recovered. The recovery from said Harvinder Singh is only an amount of Rs.28,50,000/-. He further submits that the petitioner is in the jail since 30.10.2024 and is not required for any purpose by the investigating agency.

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3. Learned State counsel has filed the Status Report by way of affidavit of Yogesh Kumar, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Jalandhar Range, Jalandhar on behalf of the respondent-State in the Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel argues that the 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.

5. I have considered the submissions addressed by both the sides and also examined the record. Admittedly, no contraband or any other material has been recovered from the possession of the petitioner at the time of arresting him. Since the petitioner was not named in the FIR, nor he was present at the spot, his Court finds that prima facie, the submissions addressed by the counsel for the petitioner seem to be convincing for the purpose of deciding the present petition. Until substantial evidence is shown by the prosecution, for indefinite period and only on assumptions of involvement in the crime, the petitioner cannot be kept behind bars.

6. In view of the 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.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
8. 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 on the basis of evidence available on record.
9. It is further made clear that if in future, petitioner is found misusing the concession granted by this Court or indulging in similar kind of activities, it would be open to the prosecution to seek cancellation of bail in the present case with the help of some material.

Petition stands disposed of.

January 15, 2025

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(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.