



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239+248

1) CRM-M-35609-2025
Decided on : 03.11.2025

Suraj @ Passi . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

2) CRM-M-42579-2025

Chetan @ Nanu . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Gahlawat, Advocate and
Mr. R.K. Kashyap, Advocate,
for the petitioner(s) (in CRM-M-35609-2025).

Mr. Sahil Choudhary, Advocate
for the petitioner(s) (in CRM-M-42579-2025).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-35609-2025 & CRM-M-42579-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-35609-2025.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Suraj @ Passi (petitioner in CRM-M-35609-2025)	231	30.07.2024	21 of NDPS Act, 1985 [S. 29 of NDPS Act added later on]	Parao	Ambala

Chetan @ Nanu (petitioner in CRM-M-42579-2025)					
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3. Learned counsel for the petitioner(s) submits that there is recovery of 260 grams of ‘heroin’ from the possession of the petitioner – Suraj @ Passi, whereas, petitioner – Chetan @ Nanu, was driver of the motorcycle, which was used in commission of the offence. As per petitioners’ counsel said contraband has been weighed along with polythene bag, in which the recovered heroin was wrapped.

4. Learned counsel for the petitioner(s) argues that though prosecution started proceedings against one of the petitioner – Suraj @ Passi for possessing the commercial quantity, however, it is yet to be determined during course of trial that the weighing process adopted by the Investigating Officer was in accordance with the prescribed norms/procedure, or in violation of the same. Even the little variation in the weight may directly affect the final decision while awarding the sentence period, even if the guilt is proved against the petitioners.

Further argues that the petitioners are inside jail since 30th July, 2024, i.e., for the last about 01 year and 03 months and till date, out of total 16 prosecution witnesses, only 02 have been examined. It is also pointed out that other two co-accused, i.e., Sikander and Raj Kumar alias Paiya, whose names were involved on the basis of disclosure statements, have already been granted concession of regular bails by this Court vide order dated 27.01.2025, passed in CRM-M-3379-2025, titled as, “Sikander v. State of Haryana” and vide order dated 01.07.2025, passed in CRM-M-8569-2025, titled as, “Raj Kumar alias Paiya v. State of Haryana” (appended as Annexures P-2 & P-3, respectively). As per disclosure statement, Raj Kuamr

alias Paiya was alleged to be the supplier of contraband, i.e., 260 grams of heroin to Suraj @ Passi (petitioner herein).

Therefore, keeping in view the facts & circumstances of the case, as well as the pace of trial, learned counsel for the petitioners prays for grant of regular bail.

5. On the other hand, learned State counsel has produced the separate custody certificates dated 31.10.2025 along with status report dated 15.10.2025 (in CRM-M-42579-2025, in Court today, which are taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate places.

Copies thereof have been also been supplied to learned counsel for the petitioners.

6. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner – Suraj @ Passi is the main accused from whose possession recovery of contraband was affected, whereas, as per the status report, petitioner – Chetan @ Nanu, has been shown to be involved in 13 cases under the different provisions of criminal law.

However, learned State counsel is unable to controvert the other factual submissions made by counsel for the petitioners. Learned State counsel also concedes that out of 16 prosecution witnesses, only 02 have been examined till date.

7. In response to the submissions advanced by learned State counsel, learned counsel for the petitioners submits that petitioner – Suraj @ Passi is first time offender. Further, while referring to paragraph No.12 of the status report, submits that though petitioner – Chetan @ Nanu has been shown to be involved in 13 cases under the various provisions of criminal

law, but he is on bail in four cases, and has undergone the sentence period in 06 cases and in remaining 03 cases, he has been acquitted. Thus, as of now, he is not convicted in any of the cases.

8. Having considered the rival submissions of learned counsel for the parties and perused the custody certificates and status reports placed on record, this Court finds no justifiable reason to continue the detention of the petitioners, particularly when the trial is progressing at a slow pace. The issue as to whether the weighing of the contraband was done strictly in accordance with the prescribed norms or not would be a moot question to be determined during the course of trial. The petitioners have already undergone incarceration of more than one year and three months, and out of sixteen prosecution witnesses, only two have been examined till date.

9. Furthermore, petitioner **Suraj @ Passi** is a first-time offender, whereas petitioner **Chetan @ Nanu**, though shown to have been involved in other criminal cases, stands acquitted in three cases, has already undergone sentence in six, and is on bail in the remaining four. Notably, he is not convicted in any case of similar nature under the NDPS Act. Keeping in view the antecedents of both petitioners, their age, the duration of custody, the stage of trial, and the parity with co-accused who have already been granted bail, this Court is inclined to extend them an opportunity to reform and rehabilitate themselves in society instead of keeping them behind bars for an extended period during trial, this Court deems it appropriate to grant the concession of regular bail to the petitioners.

Consequently, prayer made in the present petitions are **allowed**.
Petitioners are ordered to be released on bail, subject to their 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.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

November 03, 2025

J.Ram

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