



**222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16372-2026

Date of Decision: 05.05.2026

Narender @ Chotu

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumit Sharma, Advocate
for the petitioner (**Legal Aid Counsel**).

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

1. Petitioner-Narender @ Chotu has filed instant second petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner	FIR No.	Date	Section(s)	Police Station	District
Narender @ Chotu	57	16.02.2024	20(b)(ii)C of NDPS Act	Hodal	Palwal

2. On the basis of secret information received by the Police team to the effect that accused Vicky and Narender (petitioner herein) are jointly involved in selling and supplying of the intoxicant substances such as Sulpha etc. to the youth, a raid was conducted and thereupon, both the accused were intercepted. Petitioner while was holding a plastic bag and on making search of it, 1 Kg 200 gm of sulpha was recovered from the same.

3. Before proceeding further, this Court would notice that first bail petition filed by the petitioner i.e. CRM-M-54845-2024 was dismissed on merits on 30.01.2025, primarily by considering the bar contained under



Section 37 of the NDPS Act and also the fact that by that time, petitioner had remained inside jail only for a period of 11 months, whereas the minimum sentence prescribed under the law is of 10 years.

4. Mr. Sumit Sharma, Advocate argues that in fact, by continuing the petitioner inside the jail, his fundamental rights are being infringed because the prosecution is not able to get the required statements of witnesses recorded before the learned trial Court and in the absence of the same, it is also almost impossible for the trial Court to proceed with its proceedings and to decide the same within a short period.

5. On being asked by this Court, it is jointly submitted by the petitioner and the State counsel that out of total 13 prosecution witnesses, none has been examined by the prosecution till date. Earlier bail petition filed by petitioner was dismissed on 30.01.2025 and despite the elapsing of period of more than 01 year, 03 months and even till date, no progress could take place before the learned trial Court; thus, admittedly the proceedings are not moving at a required pace. Thus, petitioner's personal liberty cannot be curtailed for an indefinite period without proving of charges beyond reasonable doubt. Further, this Court cannot ignore the fact that, more than 01 kg of sulpha is to be taken as 'commercial quantity' and in the present case, it is only 200 gms more than the threshold of 01 kg which can be said to be marginally above to the commercial quantity of 01 kg. Moreover, petitioner is inside jail since 16.02.2024 and has suffered sufficient incarceration period. Thus, this Court deems it appropriate to grant the concession of bail to petitioner.



6. Accordingly, prayer made in the present petition is allowed. Consequently, petitioner is ordered to be released on bail, 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. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

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

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.05.2026
SN

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No