



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114+230

CRM-M-18350-2026 (O&M)
Decided on : 04.05.2026

INDAL KUMAR SAHANI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Bobby Girdhar, Advocate, for the petitioner.

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J.**CRM-18972-2026**

1. Present application has been moved by the applicant/petitioner for placing on record copies of the orders passed by the trial Court, granting bails to the applicant/petitioner in the other pending cases, as Annexures P-4 to P-8.

2. Considering the averments mentioned in the application, prayer made in the application is allowed and copies of the orders passed by the trial Court, granting bails to the applicant/petitioner in the other pending cases, are ordered to be taken on record as Annexures P-4 to P-8. Registry is directed to tag the same at the appropriate place on the file.

3. CM stands disposed of.

CRM-M-18350-2026

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the



petitioner, 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(s)	FIR No.	Date	Section(s)	Police Station	District
Indal Kumar Sahani, aged about 29 years	375	04.12.2025	20(b)(ii)B of NDPS Act	Sector 5	Gurugram

2. Brief facts of the prosecution case are that on 04.12.2025, ASI Ajit No. 138/GGM submitted a written complaint stating that on that day, he, along with Ct. Altaf, Ct. Azad, and driver Ct. Anil, was present near the Bus Stand, Gurugram, in Government vehicle No.HR26GV7012. During their presence, a secret informer approached them and informed that Indal Kumar Sahani (present petitioner) was engaged in the business of selling narcotic substances and, on that day, he was standing near CRP Chowk, in the street of Prajapati Chaupal near a wine shop, for the purpose of selling the same. The informer further conveyed that if a raid was conducted promptly, petitioner could be apprehended.

Believing the information to be credible, ASI Ajit reduced the information into writing under Section 42(2) of the NDPS Act and sent the same to the Police Station through Ct. Altaf. Thereafter, ASI Ajit, along with the police officials and the secret informer, proceeded to the disclosed location. Upon reaching there, the secret informer identified a person wearing a blue-coloured pant, cream-coloured shirt, spectacles,



and carrying a white polythene bag as Indal Kumar Sahani (present petitioner).

Subsequently, petitioner was apprehended and upon search, a substance suspected to be *ganja* was recovered from his possession, which, on weighing, was found to be 2.032 kilograms. Based on the said recovery, present FIR was registered.

3. Learned counsel for the petitioner submits that the alleged recovery of 2.032 kilograms of *ganja* falls within the category of intermediate quantity and is closer to the small quantity threshold. Therefore, the stringent provisions of Section 37 of the NDPS Act are not attracted in the present case.

It is further submitted that petitioner is in judicial custody since 06.12.2025. Investigation in the case has already been completed and *challan* has been presented before the competent court. However, trial is likely to take considerable time, as prosecution witnesses are yet to be examined. Continued incarceration of the petitioner would amount to pre-trial punishment, which is impermissible under law. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

4. On the other hand, learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court, including the total incarceration period already undergone by him.

However, he submits that petitioner is a habitual offender, as he is involved in four other criminal cases, under the NDPS Act, apart



from the present case. Thus, he submits that petitioner does not deserve the concession of regular bail in the present case.

5. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here above, including the total incarceration period undergone by the petitioner and stage of trial, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.

7. Consequently, prayer made in the present petition is **allowed**. 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.

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

9. 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.

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

04.05.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: YES/~~NO~~