



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

220

CRM-M-21760-2026 (O&M)  
Date of decision: 27.04.2026

Jatin Chutani

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Anoop Kumar Yadav, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.359 dated 26.10.2025, registered under Sections 21-B, 29 of NDPS Act (later on 29 of NDPS Act) at Police Station Shivaji Nagar, District Gurugram, Haryana.

2. Learned counsel contends that the petitioner has been in custody for more than 2½ months. His name surfaced based on the disclosure statement of co-accused Ankit Kumar, from whom the alleged recovery of non-commercial quantity of contraband was effected, it being 7.42 grams of Heroin and has since been granted bail vide order dated 05.01.2026, Annexure P-4. Challan was presented on 17.03.2026, however, charges have not been framed and in all there are 17 prosecution witnesses. The petitioner involved in 3 more cases under NDPS Act, in 1 of which, he is on bail and in 3 under IPC, he is also on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.



3. The custody certificate dated 24.04.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 months and 20 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having supplied the contraband to co-accused Ankit Kumar. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being on bail in some cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 months and 20 days; on bail in some cases; challan stands presented on 17.03.2026, however, charges are yet to be framed and there are a total of 17 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the



present petition is allowed.

8. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**(AMAN CHAUDHARY)**  
**JUDGE**

**27.04.2026**  
M.Kamra

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |