



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

CRM-M-61605-2025
Date of decision: 11.12.2025

ROHIT ALIAS KALA

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Akash Juneja, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, Advocate

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.854 dated 16.11.2023 registered under Sections 21(c), 27-A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 201 of Indian Penal Code, 1860 at Police Station City Rohtak, Rohtak.

2. Learned counsel for the petitioner contended that petitioner is in custody for the last more than 02 years; nothing has been recovered from the petitioner in the present case; the petitioner has been nominated in the present case only on the basis of disclosure statement of co-accused Naeem, which is inadmissible in evidence; the only allegation against the petitioner is that he gave money amounting to Rs.3 lakhs to co-accused for purchase of drugs; co-accused, namely, Musrat Ali and Jaswant @ Jashvant have already been granted the concession of regular bail by this Court passed in **CRM-M No.10524 of 2024** and **CRM-M No.2490 of 2025** respectively; trial of the case is likely to take sufficient time as out of 21 witnesses cited by the prosecution,

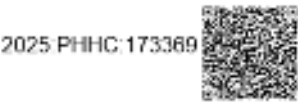


not even a single witness has been examined so far. Learned counsel submitted that although, the petitioner is involved in one more case under the NDPS Act, except the present one and keeping in view the law laid down by the Hon'ble Supreme Court of India in ***Prabhakar Tewari vs. State of U.P. and another, 2020(1) RCR (Criminal) 831*** and ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) SCC (Criminal) 681***, the involvement of the petitioner in other cases would not itself be a ground to refuse grant of concession of regular bail.

3. Learned State counsel has filed the status report, which is taken on record. Learned State counsel submitted that the petitioner is involved in serious offence and there is every apprehension that he can misuse the concession of bail, therefore, the petitioner is not entitled for concession of regular bail.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the fact that as per the custody certificate of the petitioner, petitioner is in custody for the last more than 02 years; except the present case, the petitioner is involved in one more case under the NDPS Act, as per the contention of learned counsel for the petitioner; trial will take sufficient time to conclude as out of 21 prosecution witnesses, not even a single witness has been examined till date and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a trite principle of



criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

December 11, 2025
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No