

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

2026-PHHC-090290



CRM-M-12774-2026 (O&M)

Date of Decision: 21.05.2026

ROHIT KUMAR @ KAKA

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. K.S.Sidhu, Advocate for the petitioner

Mr. Sandeep Kumar, D.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) (439 Cr.P.C.) in FIR No. 44 dated 07.05.2024 under Sections 21, 22, 61, 85 of NDPS Act, 1985, Section 61-1-14 of the Punjab Excise Act, 1914, Sections 25, 54, 59 Arms Act, (Section 21-C, 29, 27, 31 NDPS Act added later on) registered at Police Station Division No.4, Jalandhar.

2. The case of the prosecution is that on the basis of secret information, a raid was conducted at the house of the petitioner and 410 grams of heroin was allegedly recovered from a transparent envelope in his hand along with Rs.2150/- as alleged drug money. During the police remand, additional 50 grams of heroin was also recovered from the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further

submits that the petitioner is in custody for the last 02 years and 07 days. He, thus, prays for grant of bail to the petitioner.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 02 years and 07 days and out of total cited 21 prosecution witnesses, only 01 witness has been partly examined so far.

5. I have heard the learned counsel for the parties and perused the record.

6. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that petitioner is in custody for the last 02 years and 07 days; and out of total cited 21 prosecution witnesses, only 01 witness has been partly examined; the trial is progressing at a low pace and the conclusion of the same is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, '*bail is rule and jail is exception*'.

7. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to

punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

8. 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 bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

21.05.2026
Janki

(H.S.GREWAL)
JUDGE

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