

CRM-M-21667-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-21667-2025

Dr. Vinit Yadav.....Petitioner

Versus

State of Haryana.....Respondent

1.	Date when Order was reserved	10.04.2026
2.	Pronouncement of Order	22.04.2026
3.	Date of uploading Order	22.04.2026
4.	Whether operative part or full Order is pronounced	Full
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Keshavam Chaudhari, Advocate,
Ms. Hargun Sandhu, Advocate
Mr. Rishab Tewari, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

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SANJAY VASHISTH, J.

1. Petitioner, Dr. Vinit Yadav, aged 39 years, has filed the fifth bail petition under Section 483 of the BNSS, seeking regular bail in FIR No. 234 dated 04.05.2023, registered under Sections 420, 465, and 468 of the IPC, as well as Sections 22 and 32 of the NDPS Act, at Police Station Pinjore, District Panchkula.
2. FIR in the present case was registered on the basis of a complaint addressed to the SHO, Pinjore, by Dr. Sneh Singh, Deputy CMO, Panchkula. Complaint, as reproduced in the FIR, reads as under

“ It is submitted that on 03.05.2023 a team comprising of Mrs. Varsha Khangwal, ADC, Panchkula, Dr. Mukta Kumar (CMO, Panchkula), Dr. Sneh Singh (Dy. CMO, Panchkula), Dr. M.P Sharma (Psychiatrist), Mrs. Ankita (P.S.W, Panchkula) Parveen Kumar, (Drugs Control Officer, Panchkula) visited M/s

**CRM-M-21667-2025****2**

Marranwala Psychiatry and Drug Dependence Treatment Hospital, Near Petrol Pump, Pinjore Baddi Road, Marranwala, Panchkula for surprise inspection. On spot Dr. Vinit Yadav, MD, (Psychiatry), owner of the hospital along with his staff were found present. After disclosing the identity and purpose of visit to him, the team asked him to produce the license and registration of the centre as De-Addiction Centre. Dr. Vinit Yadav disclosed that he is registered from the Indian Medical Council vide certificate number.-16-21642 MCI/09-34934 dated 19.06.2009. He also disclosed that he is having his centre registered under Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985) vide registration number/License No.-Hry.SJE-2019/17438 dated 12.09.2019 valid upto 11.09.2022 further not renewed another license under Establishment of Psychiatrist Hospital/Nursing Homes having number:- SMHA/2019/1526 dated 20.06.2019 valid upto 19.06.2024. During inspection OPD/ID registers, files of patient were examined by the team. Then the team interacted with many patients telephonically who had supposedly visited the centre and taken treatment on 03.05.2023, as informed by Dr. Vinit Yadav. These patients were 1. Sh. Pargat Singh Patient number-5795, (M.no-8968719673) 2. Sh. Bhag Singh Patient number-1825, (M.no-9872239062) 3. Sh. Paramjeet Singh Patient number-4034, (M.no- 9418143347) 4. Sh. Rakesh Sharma, Patient number-5108 (M.no-7876342044) 5. Sh. Karam Singh Patient number-5117 (m.no- 7590031792) 6. Sh. Shivam Sharma Patient number-5695, (m.no-6230501034) 7. Sh. Gurdarshan Singh Patient number-3669, (m.no-9779721768) 8. Sh. Sikander Ali, Patient number-1689, (m.no-8219306096) 9. Sh. Prithvi, Patient number-1640 (m.no-7082386486) 10. Sh. Daljeet Patient number-2332, (m.no-7807212485). Out of these patients, Rakesh Sharma's mother picked the call and gave number of Sh. Rakesh Sharma. She denied having any knowledge of his taking any treatment from the Marranwala De-addiction Centre. The number of Rakesh Sharma was found switched off. All the remaining patients denied visiting the De-Addiction centre on

**CRM-M-21667-2025****3**

03.05.2023 but their entries were found in the OPD files. Also these patients claimed that the doses consumed by them were much lower than that prescribed in the OPD files. During the inspection, interviews of patient named Sh. Prince Mash, Sh. Sachidanand and Sh. Malkit Singh was done. During these interactions, it was noticed that there was gross mismatch between the doses of medicine (Buprenorphine) prescribed and that being dispensed. Five persons namely Sh. Ram Singh, Sh. Abdul, Sh. Prince Mash, Sanjeev Kumar and Sh. Mukesh disclosed that they used to come on 1" of every month and purchase three strips of medicines. As per the statement of the OPD patient present at the moment, Buprenorphine was being dispensed by Jasneet Narinder who were ward attendants. It was also reported by patients that during the treatment period the drugs were being dispensed directly from the dispensing counter, even without personal consultation with the doctor in-charge of the centre. It was also noticed that no security guards were present at the centre the staff nurses were not trained as per the guidelines. As informed by Dr. Vinit Yadav there has been no indoor admissions from January 2023 to till date. One patient Sh. Mulkhraj who was present at the centre reported that he has been dispensed Bupernorphine on 03.05.2023 however no record of the said patient was found in any register available at the centre. 33 original patient files were taken for verification of the record by the team, copies of these files have been taken by Dr Vinit Yadav. Handwritten statement has been taken on the spot of Dr. Vinit Yadav, Staff Nurse Anita, Amrita, Bhagwat Kalpana. The Centre is not having valid registration number under Haryana De-addiction Centres Rules 2010, Amended 2018 to run a De-Addiction centre. Moreover Dr. Vinit Yadav and his staff is doing fake entries in the patient files as disclosed by the patients present in the centre and also disclosed by the patients telephonically. Committee suspects that narcotic drug Buprenorphine is being misused and or diverted to some other places for misuse by the centre by making fake entries in the patient files and registers and this needs to be thoroughly

**CRM-M-21667-2025****4**

investigated You are hereby requested to lodge an FIR against Dr. Vinit Yadav others who are involved in this malpractices/violations under various sections of IPC and others laws in force to ensure non-tampering and protection of the records, the centre may be sealed as per law. Enclosed:-1. Original Spot memo.3 pages 2. 33 original patient files (List enclosed). Enclosine 1 22 3. Original hand written statement of Dr. Vinit Yadav, Ms. Anita, Ms. Amrita, Ms. Kalpana, Ms. Bhagwati, Ms. Poonam, Mr. Jasneet Mr. Narinder. Encloser 3, 4, 9, 10, 11, 12, 13, 14, 15 4. Hand written statement of Patient Sanjeev Kumar. ENR 16,17 5. Copies of Registration certificates. ENR No 5,6,7,8 Dated:-03.05.2023 SD SNEH SINGH 3/5/23 Dr. Sneh Singh Dy. CMO, Panchkula.”

3. From the de-addiction centre run by the petitioner, a total of 26,742 tablets of Buprenorphine were recovered during a raid conducted on 03.05.2023.

4. Petitioner has made repeated attempts to secure relief, the details whereof are as follows:

i) At the first instance, petitioner filed a quashing petition, i.e., CRM-M-24109 of 2023, taking the plea that he is a registered medical practitioner, having completed his MD (Psychiatry) from Jawaharlal Nehru Medical College, Ajmer, and possessing more than seven years of experience in the field of de-addiction. It was contended that no separate licence to run the de-addiction centre was required.

Another ground taken by the petitioner was that, although Buprenorphine is a psychotropic substance listed at Serial No. 92 in the Schedule of the NDPS Act, it is also a Schedule H drug under the Drugs and Cosmetics Act, 1940 and the Drugs Rules, 1945. It was further submitted that Section 80 of the NDPS Act provides that its provisions

**CRM-M-21667-2025****5**

are in addition to, and not in derogation of, the Drugs and Cosmetics Act.

After issuing notice to the respondents, and said petition is pending adjudication (P-25).

ii) First bail petition, i.e., CRM-M-25506-2023, filed directly before this Court, was withdrawn on 01.06.2023 (P-26) on the ground that the investigation was still pending and the Court was not inclined to grant bail at that stage.

iii) Upon filing of the second bail petition, i.e., CRM-M-30847-2023, the Court observed that there was no material change in circumstances and that the earlier bail petition had been withdrawn on 01.06.2023 (P-26). Noticing that investigation in the FIR was still underway and no ground was made out to entertain the petition, same was dismissed vide order dated 19.07.2023 (P-27).

iv) Taking the plea of grant of bail on account of default in submission of the challan, the petitioner moved an application under Section 167(2) Cr.P.C. before the trial Court, which was allowed by the learned Additional Sessions Judge, Panchkula, vide order dated 10.11.2023 (P-28) and resultantly petitioner came out of the jail.

v) Another bail petition, i.e., CRM-M-41613-2023, was pending before this Court. However, in view of the petitioner having been released on default bail, the said petition was disposed of as infructuous vide order dated 29.02.2024 (P-29). However, a show cause notice was issued to the petitioner as to why the concession of default bail granted to him on 10.11.2023 by the trial Court should not be cancelled, in light of alleged misrepresentation and material concealment

**CRM-M-21667-2025****6**

in the application for default bail under Section 167(2) Cr.P.C., particularly regarding the pendency of CRM-M-41613-2023 before the High Court.

Meanwhile, State of Haryana also filed a petition, i.e., CRM-M-2775-2024, challenging the order dated 10.11.2023 granting default bail. Vide order dated 29.02.2024 (P-29), the said petition was allowed and the order granting default bail was set aside.

Upon filing Special Leave to Appeal (Crl.) Nos. 3519–3520 of 2024 before the Hon’ble Apex Court, the order dated 29.02.2024 passed by this Court (P&H High Court) was affirmed vide order dated 18.03.2024 (P-30). The petitioner was granted time to surrender before the trial Court until 23.03.2024, which was further extended until 01.04.2024.

While disposing of the SLP, the following was observed:

“ If the petitioner surrenders before the Trial Court within the time stipulated hereinabove and applies for regular bail, the same shall be considered as per its own merits and in accordance with law without being influenced by the observations made by the High Court in the impugned order.”

vi) After surrendering, petitioner filed another regular bail petition before the trial Court; however, same was also dismissed vide order dated 01.05.2024 (P-32).

vii) As a fourth attempt, petitioner filed a fresh bail petition, i.e., CRM-M-24887-2024; however, the same was also dismissed by this Court vide order dated 05.09.2024 (P-33), observing that ***“there has been no change whatsoever in the circumstances since the dismissal of the previous petition, an order that was upheld by the Hon’ble Supreme***



CRM-M-21667-2025

7

Court, and petitioner does not merit the grant of regular bail at this stage.”

viii) Aggrieved by the said order, the petitioner approached the Hon’ble Apex Court by filing Special Leave to Appeal (Crl.) No. 13393 of 2024; however, the same was also dismissed vide order dated 27.09.2024 (P-34), with the following observations:

“1. We are not inclined to interfere with the impugned judgment and order of the High Court, hence, the special leave petition is dismissed.

2. This order of dismissal shall not preclude the petitioner to renew his prayer for bail at an appropriate stage and on citing change in circumstances.

3. Pending application(s), if any, shall stand disposed of.”

Thus, present fifth bail petition has been filed.

5. Even during the pendency of the present petition, petitioner filed another Special Leave Petition before the Hon’ble Apex Court, which was also dismissed vide order dated 20.01.2026, taking into consideration the pendency of the present petition before this Court.

6. Learned counsel for the petitioner reiterates his submissions that most of the material witnesses have already been examined by the prosecution, and many of them have not supported the prosecution’s case. Petitioner is in custody for a period of more than 02 years and 06 months and is not involved in any other case of a similar nature. It is thus, contended that, once the witnesses have been examined and the petitioner’s past credentials are unblemished, and considering that the petitioner is a qualified psychiatrist, he ought not to be kept in custody for an indefinite period.

**CRM-M-21667-2025****8**

Moreover, according to learned counsel, the only material issue requiring adjudication before the trial Court is whether the possession of 26,742 tablets of Buprenorphine by the petitioner at his de-addiction centre was permissible in view of the licence granted by the competent authority of the State of Haryana for a period of three years, i.e., from 12.09.2019 to 19.09.2022 (P-3), by taking into note that a request for renewal of the said licence was pending before the authority.

Vide letter dated 01.02.2023 (P-5), petitioner was informed that the fee for renewal of the licence was ₹5,000/-, and not ₹250/-. Thereupon, the deficit amount was paid vide DD No. 958756 dated 19.01.2023. However, for reasons best known to the authority, no communication regarding the renewal of the licence was issued.

7. Arguments with regard to the provisions of the NDPS Act and the relevant Rules, including the Haryana De-Addiction Centres Rules, 2010, have already been addressed by the petitioner and duly noticed in the previous orders passed by this Court. Therefore, this Court is of the view that no fresh discussion or reconsideration of the said provisions is required in the present fifth bail petition. Reiterating the same issues may prejudice the rights of either party. Accordingly, the question of the petitioner's medical qualifications, the licence relied upon, and its authenticity is left to be adjudicated by the trial Court at the appropriate stage, in accordance with the applicable law and rules.

8. This Court also noticed the submissions made by the learned Additional Advocate General, Haryana, that out of a total of 32 prosecution witnesses, 24 have already been examined and 2 have been

**CRM-M-21667-2025****9**

given up, leaving only 06 witnesses which are yet to be examined by the prosecution.

9. It is also observed that possession of such a large quantity of Buprenorphine tablets without a valid licence constitutes a serious offence against society as argued by the counsel that on the date of the raid conducted at the petitioner's centre, no valid licence was in existence.

10. At the time when orders in the present petition were reserved, i.e., on 10.04.2026, learned State counsel informed the Court that on the next date fixed, the remaining witnesses had been bound down to appear before the trial Court.

11. In view of the aforesaid circumstances, particularly considering the stage of the trial and the absence of any substantial change in circumstances in favour of the petitioner, this Court is not inclined to grant bail. Petitioner's earlier bail applications have already been dismissed by this Court and such orders have been affirmed by the Hon'ble Apex Court. Accordingly, present petition, being devoid of merit, is hereby **dismissed**.

(SANJAY VASHISTH)
JUDGE

22.04.2026***Rashmi****Whether speaking/reasoned:* Yes*Whether Reportable:* Yes