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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37142-2025
Decided on : 12.02.2026

YOGESHPetitioner
Versus
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sahil Choudhary, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

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
Yogesh, aged about 30 years	149	29.07.2024	20(b)(ii)(C), 60 and 29 of NDPS Act	Lakhan Majra	Rohtak

2. Learned counsel for the petitioner contends that upon receiving secret information regarding a black-coloured Scorpio vehicle and a Swift car, bearing registration No.HR-12-AK-4037, the police set up a barricade to check the vehicles. Shortly thereafter, both the aforesaid vehicles were seen approaching and were intercepted. The occupant of



the black-coloured Scorpio, bearing temporary registration No.T064HR1666AS, disclosed her name as Ritu. However, the driver of the Swift car fled from the spot, leaving the vehicle behind.

It is further submitted that 47.200 kilograms of *ganja* was recovered from the rear side of the black-coloured Scorpio. Upon her apprehension, accused Ritu disclosed the name of the petitioner as the person driving the Swift car, and his name was accordingly mentioned in the FIR.

3. Counsel for the petitioner submits that no narcotic contraband or weapon was recovered from the Swift car allegedly driven by the petitioner. He has been implicated in the present case solely on the basis of the disclosure statement made by co-accused Ritu, from whose vehicle the recovery of *ganja* was effected.

It is further argued that mere recovery of the Swift car from the spot does not establish the petitioner's presence, and the case has been falsely planted against him, as he was not present at the scene. Disclosure statement of co-accused Ritu is itself inadmissible and cannot be relied upon against the petitioner.

4. Moreover, petitioner is in judicial custody since 04.12.2024, i.e., for a period of 1 year, 2 months, and 8 days. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 11.02.2026 in Court today, which is taken on record. Office to tag



the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 02 months and 08 days period inside jail.

6. Learned State counsel, while opposing the prayer and submissions advanced on behalf of the petitioner, submits that petitioner's name figures in the FIR itself, having been disclosed by co-accused Ritu at the time of her apprehension, thereby *prima facie* indicating his direct involvement in the commission of the offence.

7. Elaborating upon the allegations, learned State counsel contends that petitioner, while driving the Swift car, was escorting the black-coloured Scorpio vehicle from which the contraband was recovered. It is, thus, argued that petitioner must be presumed to have knowledge of the contraband concealed in the Scorpio vehicle and, therefore, is liable to be treated as an accused in the present case.

8. Upon a specific query put by the Court, learned State counsel submits that out of total 35 prosecution witnesses, only 06 have been examined, so far. He further states that call detail records revealed communication between the accused persons, namely Ritu and Loka Madhukar, as well as the petitioner, Yogesh.

It is further submitted that, apart from the present case, petitioner is involved in three other criminal cases. However, it is fairly conceded that none of the said cases pertains to offences under the NDPS Act. Nevertheless, learned State counsel prays for dismissal of the present petition.



9. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

10. Admittedly, no narcotic contraband was recovered from the Swift car, which was allegedly being driven by the petitioner, and was found at the spot. Petitioner was not apprehended at the scene, despite the alleged prior secret information. Whether the petitioner was, in fact present at the spot, and whether he was driving the said vehicle, are matters yet to be established by the prosecution by leading cogent evidence, including identification of the accused by the witnesses during trial.

It is further noticed that out of total 35 prosecution witnesses, only 06 have been examined, so far. Conclusion of the trial is, therefore, likely to take a considerable period of time. In such circumstances, petitioner cannot be kept in custody for an indefinite duration.

11. Therefore, in view of the totality of the circumstances, nature of allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

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.



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

13. 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.

14. 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.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

12.02.2026

Lavisha

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