



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

115

CRM-M-41226-2025  
Decided on : 11.03.2026

ROHIT YADAV  
.....Petitioner  
Versus  
STATE OF PUNJAB  
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Arun Sharma, Advocate,  
for the petitioner.  
Mr. Neeraj Madaan, Sr. DAG, Punjab.

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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 |
|-----------------------|---------|------------|---------------------------------|-----------------|----------|
| Rohit Yadav           | 293     | 22.09.2023 | 21, 21(C),<br>29 of<br>NDPS Act | STF Phase<br>IV | Mohali   |

2. Learned counsel for the petitioner contends that, as per the case of prosecution, FIR was registered on the basis of secret information received against accused Rakesh Arora and Rohit Yadav (petitioner herein).



During the course of investigation, a Honda City car, bearing registration No.DL-3-CBE-2685 was intercepted, in which both the accused persons were travelling. The car was being driven by co-accused Rakesh Arora @ Kaka, while petitioner-Rohit Yadav was occupying the adjoining seat.

Upon conducting search of the vehicle, 513 grams of ICE drug (Amphetamine) was allegedly recovered from underneath the driver's seat of the aforesaid Honda City car.

3. Counsel for the petitioner submits that petitioner is in judicial custody since 22.09.2023, i.e., for a period of about 02 years, 05 months and 13 days. It is further argued that petitioner, aged about 32 years, has never been found involved in any other similar activity. Petitioner is primarily a resident of Delhi and had merely accompanied his friend on a visit to Punjab.

It is further submitted that petitioner has no previous criminal antecedents and no other criminal case of any nature has ever been registered against him.

4. Learned counsel further submits that, out of total 13 prosecution witnesses, 5 witnesses are yet to be examined in the present case. Consequently, conclusion of the trial is likely to take a considerable amount of time. 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 10.03.2026 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 02 years 05 months and 13 days period inside jail and there is no other case registered against him.

6. Learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court. However, he prays for dismissal of the present petition.

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

8. Admittedly, recovery in the present case has been effected from underneath the driver's seat of the Honda City car, which was being driven and was in the control of co-accused Rakesh Arora @ Kaka. Petitioner was merely occupying the adjoining seat. Whether the petitioner was in conscious possession of the contraband or had any knowledge thereof, is a matter which is yet to be determined by the trial Court, after appreciation of the entire evidence to be adduced before it.

Since petitioner is a first-time offender, his continued incarceration for an indefinite period would not be justified. He deserves to be afforded an opportunity to reintegrate into society.

9. In view of the totality of the circumstances, nature of the 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.

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

11. 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.

12. 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.

13. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

11.03.2026  
Lavisha

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