



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-20590-2025
Decided on:08.07.2025

Gaurav @ MithuPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH
Present: Mr. Kunal Khatlana, Advocate for the petitioner.
Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, 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
Gaurav @ Mithu, aged about 34 years	67	27.04.2024	20 of NDPS Act	Jui Kalan	Bhiwani

2. On 07.04.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Gaurav @ Mithu, aged about 34 years	67	27.04.2024	20 of NDPS Act	Jui Kalan	Bhiwani



2. *Learned counsel for the petitioner, inter alia, contends that recovery in the present case is 21 grams of ganja leaf from the co-accused namely Daya Kishan. Name of the petitioner is not mentioned in the FIR. Subsequently, on the basis of the disclosure statement of the arrested accused, petitioner has been involved in the present case.*

3. *Further submits that prosecution cannot rely upon such a weak evidence, unless same is corroborated with some substantive piece of evidence. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

4. *Notice of motion.*

5. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 08.07.2025.*

7. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

8. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

3. Learned counsel for the petitioner submits that, in compliance of the order dated 21.04.2025 passed by this Court, the petitioner has duly joined the investigation and has extended full cooperation. It is further submitted that custodial interrogation of the petitioner is not warranted. In view of the petitioner's cooperation and the nature of evidence involved, it is prayed that the interim protection granted earlier be confirmed and the petition for anticipatory bail be allowed.

4. On the other hand, learned State counsel has filed status report by way of affidavit of Bharat Bhushan, HPS, Deputy Superintendent of Police, Loharu, District Bhiwani, Haryana, in the



Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

Learned State counsel on instruction from ASI Manish Kumar, confirms the factum of joining of investigation by the petitioner and submits that as of now, custodial interrogation of the petitioner is not required. However, it is submitted that the petitioner be directed to rejoin the investigation as and when required by the Investigating Officer. It is further clarified that in the event of non-cooperation or failure to join the investigation when called upon, the petitioner shall not be entitled to claim the benefit of anticipatory bail.

5. After hearing learned counsel for the parties, and upon perusal of the allegations levelled in the FIR as well as the issues highlighted during the course of hearing, and taking into consideration the fact that the petitioner has joined the investigation and has extended full cooperation, and that custodial interrogation is not required as of now, this Court deems it appropriate to allow the present petition. Accordingly, the prayer for anticipatory bail is accepted. The interim order dated 21.04.2025 is hereby made absolute. The petition is, thus, allowed.

6. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and shall abide by all the terms and conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

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It is further clarified that in the event the petitioner fails to join or rejoin the investigation despite service of due notice by the Investigating Officer, it shall be open to the prosecution to seek cancellation of the anticipatory bail.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he do not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 08, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**