



CRM-M-33146-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-33146-2025
DECIDED ON: 16.09.2025

KUNDAN SINGH RAWAT
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Arjun Dhingra, Advocate for the petitioner.

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

SANJAY VASHISTH, J (ORAL)

1. Learned State counsel has filed status report dated 15.09.2025 in the court today, and same is taken on record.
2. 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 of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Kundan Singh Rawat, aged about 45 years	167	28.05.2025	281, 125(A) of BNS, 2023 and 15-B of NDPS Act (added later on)	Sadar Pehowa	Kurukshetra

3. On 23.06.2025, 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 of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
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**CRM-M-33146-2025**

2. *Name of the petitioner is not mentioned in the FIR. He has been falsely involved in the case. There is a recovery of total 35 kg 758 gm. of poppy husk found in three bags which were lying in the car, which collided with pick up vehicle which was driven by the complainant. Counsel submits that in fact there is no such recovery and incident of accident has been made more aggravated by showing recovery of poppy husk from the car driven by the petitioner bearing HY 10 Y 2897 make I20.*

Once alleged recovery has already been affected, custodial interrogation is not going to serve any purpose. Thus prays for grant of anticipatory bail.

3. *Counsel further argues that as per investigation, vehicle was being driven by one Gurpreet and on his joining in the investigation, he disclosed that the poppy husk/straw was brought by him from the present petitioner. Once that being the allegation, and only on the basis of the disclosure statement, petitioner cannot be termed as accused under NDPS Act for the alleged recovery because the allegation cannot be held to be true only on the basis of disclosure statement unless the same is supported by some unimpeachable and substantive evidence.*

Besides, counsel submits that petitioner, who is aged about 45 years, is never found indulged in any similar activity in past. Thus prays for grant of anticipatory bail.

4. *Notice of motion.*

5. *On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.*

6. *Adjourned to 16.09.2025.*

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.).*

CRM-M-33146-2025

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.”

4. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 23.06.2025 passed by this Court, petitioner has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

5. Learned State counsel, confirms the said averment made by counsel for the petitioner of joining the investigation on 03.07.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

6. Heard learned counsel for the parties.

7. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 23.06.2025 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. Accordingly, petition stands disposed of.

16.09.2025
mahima

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>