

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-33138-2025
DECIDED ON: 09.12.2025

DURGA PRASAD CHANDEL ALIAS DHRUV
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioner.
Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J (ORAL)

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
Durga Prasad Chandel @ Dhruv	143	30.05.2025	21/29 of NDPS Act	Parao	Ambala, Haryana

2. 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
Durga Prasad Chandel @ Dhruv	143	30.05.2025	21/29 of NDPS Act	Parao	Ambala, Haryana



2 As per the allegations based on secret information, accused namely, Gaurav and Abhay were apprehended by the police, and recovery of 152 grams of heroin (including the weight of the polythene bag) was made from the pocket of Gaurav, who happens to be the brother of the petitioner. According to the prosecution, arrested accused namely, Gaurav recorded a disclosure statement stating that he was asked by his brother (petitioner herein) to deliver/supply the said heroin. However, apart from this alleged disclosure statement, there is no other substantial evidence available with the prosecution. As per settled law, a disclosure statement is considered a weak form of evidence and, in the absence of any corroborative material, it is not sufficient to establish allegations against the petitioner. The disclosure statement, being inadmissible in the eyes of law unless it leads to the discovery of a fact, cannot form the sole basis for prosecution.

3. Notice of motion.

4. On advance notice, Mr. Rajiv Sidhu, DAG, Haryana puts in appearance on behalf of the respondent – State.

5. Adjourned to 18.09.2025.

6. 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 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.).

7. 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. 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 on 17.09.2025, and has fully co-operated. Therefore, he

prays for confirmation of the said interim anticipatory bail order.



4. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation on 17.09.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Heard learned counsel for the parties.

6. 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.

7. Accordingly, petition stands disposed of.

8. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise he would submit an affidavit, disclosing the fact that he does not possess any passport.

It is clarified that in case, aforesaid condition is not complied with, this order would be considered as non est automatically.

09.12.2025
mahima

(SANJAY VASHISTH)
JUDGE

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