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Surrender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pawan Kumar Hooda, 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 FIR No.0213, dated 19.05.2024, under Section 22 of NDPS Act, 1985 lateron added and Section 29 of NDPS Act, 1985 and Sections 201, 204 of IPC (238, 241 of BNS), registered at Police Station Purani Sabzi Mandi Rohtak, District Rohtak.

2. On 02.04.2026, following order was passed:

“(i) *** *** *** ***

(ii) *Learned counsel for the petitioner, inter alia, contends that as per the allegations, on 19.05.2024, the main accused, Sahil, was apprehended, and 38 bottles of white and green-coloured “Wincerex” cough syrup containing Codeine Phosphate and Triprolidine Hydrochloride were recovered from his possession.*

(iii). It is further submitted that after a lapse of four months from the arrest of the main accused Sahil, he disclosed the name of one Sawan, who is his brother. Subsequently, co-accused Sawan was arrested on 24.09.2024, and his disclosure statement was recorded. Subsequently, after a further delay of approximately

seven months, i.e., on 12.04.2025, another accused, namely Naveen @ Dobha, was arrested. It is only from the disclosure statement of co-accused Naveen @ Dobha that the name of the present petitioner surfaced.

(iv). Counsel for the petitioner submits that no recovery has been effected from the possession of Sawan, Naveen @ Dobha, or even the present petitioner. It is argued that the prosecution has unnecessarily expanded the number of accused persons without collecting any substantive evidence during the investigation to establish a link between the petitioner and the recovered bottles of syrup from the main accused Sahil.

(v). It is further contended that the sole allegation against the petitioner is that he allegedly supplied the recovered syrup bottles to Naveen @ Dobha for a sum of Rs.18,000/-, who in turn supplied them to accused Sawan, and thereafter to the main accused Sahil, from whose possession the same were ultimately recovered.

(vi). Counsel argues that such allegations are vague, baseless, and devoid of any credible material. Implication of the petitioner solely on the basis of disclosure statement, that too after a delay of nearly one year, is legally untenable. In this regard, it is submitted that Hon'ble the Apex Court has consistently held that involvement of a co-accused cannot be sustained merely on the basis of disclosure statements.

It is also submitted that petitioner is ready and willing to join the investigation and to fully cooperate with the investigating agency, subject to protection from arrest by this Court. Thus, counsel prays for grant of anticipatory bail to the petitioner in the present case.

(vii). Notice of motion.

(viii). On advance notice, Mr. Parveen Kumar Goyal, Addl. AG, Haryana, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.

(ix). Adjourned to 07.05.2026.

(x). 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 abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

(xi) 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 pursuance to the directions issued by this Court vide order dated 02.04.2026, the petitioner has joined investigation.

4. Learned State counsel on instructions, confirms the said averment made by counsel for the petitioner of joining the investigation 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 02.04.2026 passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

7. The 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. 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.

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

07.05.2026

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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES/~~NO~~
~~YES~~/NO