

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63216 of 2025(O&M)
Date of Order:29.01.2026

Surender Kumar
Versus
State of Haryana

.Petitioner
..Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aditya Sanghi, Advocate
Mr. Rajiv Goel, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana

SANJAY VASHISTH, JUDGE

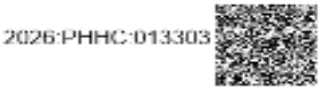
1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Surender Kumar, aged 23 years	256	30.07.2024	17(c) of NDPS Act, 1985	Ellenabad	Sirsa

2. On 11.11.2025, the 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



Surender Kumar, aged 23 years	256	30.07.2024	17(c) NDPS Act, 1985	of Ellenabad	Sirsa
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2. Learned counsel for the petitioner, inter alia, contends that a recovery of 2 kg 580 grams of opium was effected from the possession of the main accused – Birender Kumar @ Raju, who, after his arrest, made a confessional disclosure statement naming one Rakesh as the person who had supplied the said contraband to him. It is only in a subsequent disclosure statement that the name of the present petitioner surfaced, allegedly on the disclosure of the main accused – Birender Kumar @ Raju, who, in fact, is the real brother of the petitioner.
3. Learned counsel further argues that the actual person who supplied the recovered contraband has, in fact, been given a free hand by the Investigating Officer, whereas the petitioner has been falsely implicated merely because of his relationship with the main accused. It is further contended that the petitioner is not involved in any other case of similar nature except the present one, and that no independent or corroborative evidence has been collected by the Investigating Officer to support the allegations against him.
- Learned counsel submits that the offence alleged against the petitioner is not made out, and the entire case against him rests solely on the uncorroborated disclosure statement of the co-accused. The petitioner is ready and willing to join the investigation, provided he is protected from arrest. Hence, he prays for the grant of anticipatory bail to the petitioner in the present case.
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 by verifying the submissions addressed by the petitioner’s counsel.
6. Adjourned to 29.01.2026 .
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. Continuing his submissions, learned counsel for the petitioner contends that in compliance of the order dated 11.11.2025, 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.

4. Learned State counsel confirms the said averment made by counsel for the petitioner of joining the investigation on 01.12.2025 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 11.11.2025, 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.

January 29, 2026
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**