



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.26333 of 2026 (O&M)
Date of Decision :08.07.2026

Ashwani

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Banka Bihari Panda, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for anticipatory bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita 2023'. It has been filed with regard to a case arising out of FIR No.417 dated 06.11.2025, for the commission of offence punishable under Sections 316(2) & 318(2) of Bharatiya Nyaya Sanhita 2023 and Section 3 of Haryana Protection of Interest & Depositors in Financial Establishment Act, 2014, Police Station Gohana City, Sonipat.

2. The learned counsel for the petitioner has submitted that by virtue of order dated 21.05.2026 the benefit of interim bail was accorded to the petitioner primarily on the ground that he was falsely implicated in the present case only on the basis of disclosure statement of co-accused. It has been further contended by learned counsel for the petitioner that petitioner has



already joined the investigation, and therefore, the order, whereby the interim anticipatory bail was accorded to the petitioner, be made absolute.

3. The learned State counsel has controverted the abovementioned arguments. It has been contended by learned State counsel that during the course of investigation the petitioner did not co-operate, and that by custodial interrogation of the petitioner, certain documents pertaining to the 'Fixed Deposit Receipts' of the depositors have to be recovered. It has also been contended by learned counsel for the complainant that the money so acquired by the co-accused is being enjoyed by the petitioner, and that in order to recover the money, custodial interrogation of the petitioner is necessary.

4. The record has been perused carefully.

5. In view of fact-situation of this case and the above mentioned arguments, in my opinion, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that as laid down by the Hon'ble Supreme Court of India in the case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026] the petitioner cannot be forced to assist the prosecuting agency to effect recovery of incriminating material, which may harm his own interests or may defeat his right of defence;
- iii) that as per law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Sharma v. State of Haryana' [Criminal Appeal No.767 of 2026, decided on 09.02.2026], collection of evidence is the responsibility of the



- Investigating Officer, and that an accused cannot be compelled to self-incriminate himself;
- iv) that the offence is triable by the Court of Judicial Magistrate;
 - v) that the only evidence collected by the investigating agency against the petitioner, is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused of the petitioner was in police custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
 - vi) that the maximum punishment prescribed for the commission of offence is imprisonment up to 7 years;
 - vii) that the investigation and trial are not likely to be concluded in near future;
 - viii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
 - ix) that there is nothing on record to show that if the order dated 21.05.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
 - x) that there is nothing on record to show that if order dated 21.05.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

6. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby



allowed and the order dated 21.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

08.07.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No