



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-31797 of 2026

Date of Decision: 17.07.2026

Jasbir Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Kamal Kant, Advocate
for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

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.78 dated 05.05.2026, for the commission of offence punishable under Section(s) 406, 420 & 120B of 'the Indian Penal Code, 1860', Police Station City Ambala Sadar, District Ambala, Haryana.

2. Vide order dated 29.05.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

3. The learned State Counsel has filed status report. The same be taken on record.

Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 29.05.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 29.05.2026 be made absolute.

6. The learned State counsel, on the instructions of 'PSI Amit Kumar', has submitted that although the petitioner has joined investigation, but during the course of investigation he did not cooperate, and that the money, which was received by him, has not been returned. As per learned State counsel in view of above custodial interrogation of the petitioner is necessary.

7. The record has been perused carefully.

8. 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 in effecting 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) the offence is triable by the Court of Judicial Magistrate;
- v) that as per contents of FIR itself, the factum of stay order was recorded in the revenue record. Thus, it is apparent that the complainant/vendee at the time of entering into deal, had not consulted the revenue record. In view of doctrine of *caveat emptor*, the entire responsibility for the above-mentioned transaction cannot be fastened upon the vendor only;
- vi) that as per contents of FIR itself, the factum of stay order was recorded in revenue record. Thus, it is apparent that the complainant/vendee at the time of entering into deal, had not consulted the revenue officials. In view of principle of *caveat emptor*, the entire responsibility for the above-mentioned transaction cannot be fastened upon the vendor;
- vii) that the petitioner is not the owner of the property and therefore, he cannot be held liable for any kind of transaction;
- viii) that the entire evidence to be collected by the Investigating Agency in the present case is documentary in nature, and therefore, custodial interrogation of the

petitioner is not likely to produce a fruitful result; vi. that the investigation and trial are not likely to be concluded in near future; vii. that nothing has been left to be recovered from the possession of petitioner;

- ix) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

9. 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 to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 29.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

July 17, 2026
“DK”

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