



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-854-2025(O&M)
Decided on: 18.03.2025

Gurdev Singh @ Baldev Singh
Versus
State of Haryana

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J.

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
Gurdev Singh @ Baldev Singh	458	22.12.2023	120-B, 406, 420 IPC	Sector 13/17, Panipat	Panipat

2. On 13.01.2025, following order was passed:-

“ Apprehending his arrest in FIR No. 458 dated 22.12.2023 registered for offences punishable under Sections 120B, 406, 420 IPC at Police Station Sector 13/17, Panipat, District Panipat; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter-alia contends that the petitioner is a person aged 63 years, petitioner is the owner of the land in question for which he



has entered into an agreement to sell dated 20.10.2023, the petitioner duly appeared on the target date i.e. 15.01.2024 before the concerned Registration Authority & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Ms. Ankita Ahuja, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

Status report/response be filed by way of affidavit of Superintendent of Police, Panipat.

The Investigating Officer of the case (along with case diary) as also the supervisory officer shall remain present in the Court on the next date of hearing.

Adjourned to 06.02.2025.

The petitioner is directed to appear before the Investigating Officer on 16.01.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.”

3. Learned counsel for the petitioner submits that in pursuance to the order dated 13.01.2025, petitioner has joined the investigation and has fully co-operated. Thus, requests for confirming interim bail order dated 13.01.2025.

4. On the other hand, learned State counsel controverts the stand of the petitioner and submits that though investigation has joined by the petitioner but without extending any co-operation required information has not been supplied by him, thus, prays for dismissal of the present petition.



5. I have heard learned counsel for the parties and perused the record.

In the cases where the evidence is collected by the prosecution agency after registration of a criminal case, in routine, it would not be expected that case of the prosecution would depend primarily on the co-operation of the accused. The material evidence is required to be collected by the Investigating Agency in support of the allegations and for proving of the charges before the Court. As per settled proposition of law, no one can be compelled to produce evidence against himself.

Therefore, it is bounden duty of the Investigating Agency to find out the truth by collecting relevant evidence on its own in support of its charges. Moreover, no special reason has been explained by learned State counsel as what kind of co-operation and for what purpose same is required from the accused.

Dispute appears to be depending upon the documentary evidence and for said purpose subjecting the petitioner to custodial interrogation is not required.

6. Keeping in view the aforementioned facts and circumstances and the fact that petitioner has joined the investigation, present petition is allowed and the order dated 13.01.2025, passed by this Court is hereby made absolute.

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.

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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.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 18, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**