



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.24202 of 2025
Date of decision: 13.05.2025**

ABHISHEK KUMAR ALIAS ABHISHEKH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vishavjeet Singh and Ms. Divya Sharma, Advocates
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.35 dated 03.03.2025, under Section 333, 115(2), 126(2), 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS'), District Police Haibowal, District Ludhiana.

2. Vide order dated 05.05.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 09.05.2025 but he did not cooperate with the Investigating Officer and did not get the weapons recovered used at the time of occurrence and therefore, it is urged that his custodial interrogation is required for thorough investigation.

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5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 05.05.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

6. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.05.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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