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

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**CRM-M No.29827 of 2025
Date of decision: 28.08.2025**

Ram Bahadur @ Khadar Bhul

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The petitioner has joined investigation on 28.07.2025. It is submitted by learned Assistant Advocate General, Punjab that recovery of stolen money is yet to be effected from the petitioner and he has not cooperated in getting the same recovered. It is, therefore, urged by her that the petitioner does not deserve to be granted benefit of pre arrest bail.

2. Per contra, it is argued by learned counsel for the petitioner that he was not named in the FIR. The complainant took his name in his supplementary statement recorded three months after the date of lodging

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of FIR. No specific act has been attributed to him and vague allegations had been levelled against him. Non recovery of stolen money cannot be considered to be a ground for denying benefit of bail to him. It is, therefore, urged that the petition deserves to be allowed.

3. So far as the non recovery is concerned, mere non recovery of some stolen money cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '**Jagdish Thakkar vs. State of Delhi**', 1992 (3) CCR 2764' and in case titled as '**Pooran Singh vs. State of Delhi**', 2022(1) RCR (Criminal) 503. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behaviour attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of 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. In the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. As such, the present petition is allowed and the order dated 03.07.2025, granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

4. It is, however, clarified that the observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

28.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No