

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:155666



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CRM-M-33368-2025 (O&M)
Date of decision:10.11.2025

Ramesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hritik Gupta, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Ms. Manita Dalla, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.117, dated 26.05.2025, registered under Sections 3(5), 316(2) of the BNS, at Police Station Charkhi Dadri, District Charkhi Dadri.

2. Vide order dated 26.06.2025 passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Status report has been filed by learned State counsel. She has submitted that the petitioner has joined investigation on 15.07.2025. Learned State counsel as well as learned counsel for the complainant, who has filed memo of appearance have jointly submitted that custodial interrogation of the petitioner is required since had not got recovered the tractor in question.

4. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from him, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in **Santosh versus State of Maharashtra (2017) 9 SCC 714** and **Jugraj Singh versus State of Punjab, SLP No.9190 of 2025**. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation, satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration should not be a replica of post conviction. As such, a case is made out for allowing the present petition.

5. Accordingly, the present petition is allowed and the order dated 26.06.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

(MANISHA BATRA)
JUDGE

10.11.2025

harjeet

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