



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

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CRM-M-34534-2025

Date of decision: 12th August, 2025

Harinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. GPS Ghuman, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks
anticipatory bail in case FIR No. 29 dated 06.06.2025 registered under Sections
420 and 120-B of IPC at Police Station Airport, District Police
Commissionerate Amritsar.

2. Vide order dated 04.07.2025 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation.

3. Learned State counsel filed status report dated 01.08.2025. The
same is taken on record. He further, on instructions, states that the petitioner
joined the investigation on 09.07.2025. However, it is, submitted that he has
not co-operated with the Investigating Officer. His custodial interrogation is
required. Therefore, it is urged that the petition does not deserve to be
allowed.



4. The petitioner joined investigation on 09.07.2025. So far as the non recovery is concerned, mere non recovery 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 behavior 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. Accordingly, the present petition is allowed and the order dated 04.07.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

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

6. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th August, 2025

Parveen Sharma

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