



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-38041-2024(O&M)
Date of Decision: 24.04.2025

RISHU KUMAR @ RISHU SHARMA
VERSUS
STATE OF U.T. CHANDIGARH

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranbir Singh Rawat, Advocate for the petitioner.
Mr. Manish Bansal, PP, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
120	22.06.2024	Sector-31, Chandigarh	406, 420, 120-B of IPC

2. Vide order dated 07.08.2024 passed by this Court, the petitioner was ordered to be released on interim bail and was directed to join investigation.
3. Learned State counsel on instructions from the Investigating Officer, submits that the petitioner has joined the investigation on 24.11.2024. It is submitted by learned Public Prosecutor U.T. Chandigarh that he has not cooperated with the investigation since recovery of disputed money has not been effected from him. However, in the opinion of this Court, non-recovery of money cannot be treated as an instance of non-cooperation, justifying denial for grant of pre-arrest bail.
4. In the considered opinion of this Court in the given circumstances, the pretrial incarceration of the petitioner is not required. As such, the



present petition is allowed and the order dated 07.08.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

5. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

24.04.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |