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

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**CRM-M No.38264 of 2025
Date of decision: 03.11.2025**

Raj Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Tajveer Singh, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The petitioner has joined investigation on 16.09.2025. Learned Deputy Advocate General, Punjab has submitted that he has not cooperated with the investigation and has not got effected recovery of snatched money and other articles. Status report has also been filed. Learned Deputy Advocate General, Punjab has submitted that custodial interrogation of the petitioner is required for the purpose of effecting

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recovery.

2. So far as the non recovery is concerned, mere non recovery of money and other articles 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 petitioner is ordered to be extended benefit of anticipatory bail and the order dated 06.08.2025 is made absolute, subject to compliance of conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and subject to furnishing of personal as well as surety bonds to the satisfaction of Investigating Officer/Arresting Officer, if the same have not been furnished so far.

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

03.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No