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

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**CRM-M No.41251 of 2025
Date of decision: 29.10.2025**

Prince Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Munish Gupta, Advocate,
for the petitioner.

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

Mr. Tanvir Singh Grewal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. It has been pointed out by learned Assistant Advocate General, Punjab and not controverted by learned counsel for the petitioner that on the last date of hearing, learned State counsel had submitted that no recovery was effected from the petitioner and his custodial interrogation was required. However, it appears that due to inadvertent typing mistake in para.3 of the last order, it was mentioned that the custodial interrogation of the petitioner is not required. This mistake is ordered to be corrected at this stage and para.3 of the order dated 13.10.2025 shall

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be read as follows:-

“Learned State counsel also confirms the aforesaid fact and states that no recovery has been effected from the petitioner and custodial interrogation is required.”

2. The petitioner had joined investigation on 08.08.2025. The argument raised by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant is that the petitioner along with the co-accused had misappropriate huge amount of money from the victims and cheated them but he has not got effected the recovery of the same and has not cooperated with the investigation.

3. So far as the contention as raised by learned Assistant Advocate General, Punjab qua allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason 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 effected from him, would not mean that there is non-cooperation on the part of the accused. 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 Reference in this regard can be made to

***Santosh v. State of Maharashtra*, (2017) 9 SCC 714 and Jugraj Singh**

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v. **State of Punjab**, SLP (Crl.) No.9190 of 2025 decided by Hon'ble Supreme Court on 20.08.2025. In the instant case, the conduct of the petitioner appearing before the investigating officer and responding to the investigation, satisfies the legal standard of cooperation. Given the nature of the allegations as levelled against the petitioner and the circumstances peculiar to the case, pre trial incarceration of the petitioner is not required. Even otherwise, pre trial incarceration should not be a replica of post conviction. As such, a case is made out for allowing the present petition.

4. Accordingly, the petition is allowed and the order dated 31.07.2025, granting interim bail to the petitioner is made absolute subject to the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.

(ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) He shall not commit any similar offence while on bail.

(iv) He shall not leave the country without prior permission of the Court.



5. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
6. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.10.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No