



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

209

CRM-M-49090-2025

Date of Decision: 31.10.2025

GOLDY @ CHHOTU AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No.156 dated 28.06.2025, registered under Sections 331(6), 115(2), 324(4), 351(1), 191(3) and 190 of BNS, 2023, at Police Station City Kotkapura, District Faridkot.
2. Status report dated 30.10.2025 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to opposite counsel.
3. Vide order dated 03.09.2025 passed by this Court, the petitioner was granted interim bail and was directed to join investigation.



4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioners have joined investigation on 12.09.2025. Learned State counsel further submits that custodial interrogation of the petitioners is required for recovery of weapons allegedly used in the offence, to verify their participation in the destruction of household articles, and to ascertain the motive.

5. So far as the contention as raised by learned State counsel 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 got effected from them, 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 decided on 20.08.2025 by Hon'ble Apex Court**. 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 petitioners 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 petitioners are 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.

6. Accordingly, the present petition is allowed and the order dated



03.09.2025, granting interim bail to the petitioners, 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

October 31, 2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No