



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

210

CRM-M-50674-2025
Date of Decision: 04.11.2025

KULDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Nigam Bhardwaj, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

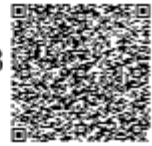
Ms. Shivam Jaglan, Advocate for the complainant.

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.228 dated 12.08.2025, registered under Section 308(2) of BNS, 2023 (with Sections 351(3) and 3(5) of BNS, 2023 added later), at Police Station Model Town, District Panipat.

2. Vide order dated 10.09.2025 passed by this Court, the arrest of the petitioner was stayed and he was directed to join investigation.

3. Learned State counsel, on instructions from the Investigating



Officer, submits that although the petitioner has joined investigation but he has not cooperated with the same, and recovery of the amount of Rs.75,000/-, alleged to be his share has not been got effected by him. It is, thus, contended that custodial interrogation of the petitioner is required.

4. 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 him, 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.

5. Accordingly, the petition is allowed. *In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad interim bail on furnishing personal/surety bonds to his/her satisfaction. The*



petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

(MANISHA BATRA)
JUDGE

November 04, 2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No