



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

226

CRM-M-51449-2025

Date of Decision: 28.10.2025

**AJIT PAL SINGH**

...Petitioner

Versus

**STATE OF PUNJAB**

...Respondent

**CORAM: HON'BLE MS. JUSTICE MANISHA BATRA**

\*\*\*\*

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Atinderpal Singh, 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 petitioner seeking grant of anticipatory bail in case bearing FIR No.96 dated 22.06.2025, registered under Section 118(1), 115(2), 126(2), 3(5) of the BNS, Section 118(2) (added vide order dated 15.01.2025), at Police Station Raja Sansi, District Amritsar Rural.

2. Status report dated 27.10.2025 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to opposite counsel.

3. Mr. Atinderpal Singh, Advocate appeared and has filed his power of attorney on behalf of the complainant. The same is taken on record.



4. Vide order dated 15.09.2025 passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

5. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 21.09.2025. Learned State counsel further submits that he has not cooperated with the same as he did not disclose the names of the unidentified persons who were involved in the commission of the offences and it is, therefore, urged by her that the custodial interrogation of the petitioner is required.

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 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 petitioner 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 petitioner is 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 05.08.2025, granting interim bail to the petitioner, 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 28, 2025  
*Nisha-1*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |