



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

211

CRM-M-53344-2025

Date of decision: 30th October, 2025

Nirdosh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Ruchi Sekhri, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No. 123 dated 16.07.2025 registered under Sections 318(4), 316(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sadar Kotkapura, District Faridkot.

2. Vide order dated 22.09.2025 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned State counsel filed status report dated 25.10.2025. The same is taken on record. She further, on instructions, states that the petitioner joined the investigation on 24.09.2025. However, it is, submitted that he has not co-operated with the Investigating Officer. His custodial interrogation is required. Therefore, it is urged that the petition does not deserve to be allowed.

4. The petitioner joined investigation on 24.09.2025.. 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 (criminal) No.9190 of 2025* decided on 20.08.2025. 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 22.09.2025, 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

30th October, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*