



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

210

CRM-M-53777-2025

Date of Decision: 11.11.2025

ABHISHEK

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

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.147 dated 26.08.2025 (Annexure P-1), registered under Section 25 of Arms Act, (Section 18 of NDPS Act added later on vide Rapat No.18 dated 27.08.2025), at Police Station Division No.2, District Pthankot.
2. Status report dated 08.11.2025 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to opposite counsel.
3. Vide order dated 23.09.2025 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



30.09.2025. Learned State counsel further submits that custodial interrogation of the petitioner is required to unearth the supply chain, identify the persons involved in the occurrence and trace the various sources facilitating the movement of illegal weapons.

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. 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 petitioner. 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 23.09.2025, 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

November 11, 2025
Nisha-1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No