



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

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CRM-M-59971-2025

Date of decision: 27th November, 2025

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kishan Garg, 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. 248 dated 03.10.2025 registered under Section 316(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bhawanigarh, District Sangrur.

2. Vide order dated 28.10.2025 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Status report has been filed. The petitioner has joined the investigation on 02.11.2025. Learned State counsel has submitted that the custodial interrogation of the petitioner is required for effecting recovery of embezzle amount to the tune of Rs. 5,00,718/- as well as the record regarding stock of fertilizers and sale register etc.. Therefore, it is urged that the petition does not deserve to be allowed.



4. The petitioner joined investigation on 02.11.2025.. So far as the non recovery is concerned, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. Accordingly, the present petition is allowed and the order dated 28.10.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

5. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th November, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No