



CRM-M-64188-2024

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

203 **CRM-M-64188-2024**
Date of decision: 28th October, 2025

Pardeep Kumar and another
Versus
State of Haryana

...Petitioners
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naresh Jain, Advocate for the petitioners.
Ms. Himani Arora, Deputy Advocate General, Haryana.
Mr. Ravish Kaushik, Advocate and
Mr. Akshay Kumar Dahiya, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioners seek anticipatory bail in case FIR No. 842 dated 04.11.2024 registered under Sections 3(5), 61(2), 318(2), 316(2) and 316(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sadar Karnal, District Karnal.

2. Vide order dated 19.12.2024 passed by this Court, the arrest of the petitioners was stayed and were directed to join investigation.

3. Learned State counsel filed status report dated 24.10.2025. The same is taken on record. She further, on instructions, states that the petitioners joined the investigation on 11.08.2025. However, it is, submitted that the petitioners did not co-operate in the investigation and have not got effected recovery of the disputed amount. It is further submitted that civil litigation as well as arbitration proceedings are already pending between the parties. His custodial interrogation is required. Therefore, it is urged that the petition does not deserve to be allowed.

4. The petitioners joined investigation on 11.08.2025.. 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 No.9190 of 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 petitioners 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 19.12.2024, granting interim bail to the petitioners, 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

28th October, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No