

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:172742



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CRM-M-63171-2025 (O&M)
Date of decision:10.12.2025

Satgur Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.36, dated 23.02.2025, registered under Sections 109(1), 333, 115(2), 126(2), 351(3), 190 and 191(3) of the BNS (offence under Section 117(2) of the BNS was added lateron), at Police Station Amargarh, District Malerkotla.

2. Vide order dated 11.11.2025, passed by this Court, the petitioner was directed to join investigation.

3. Status report has been filed. Learned State counsel on instructions from the Investigating Officer has submitted that the petitioner has joined investigation but he is not cooperating with the investigation. For the purpose of recovery of weapon of offence as well as to know about the identification of other persons involved in the crime, his custodial

interrogation is required.

4. This Court has heard rival submissions made by learned counsel for the parties.

5. Though, it is submitted by learned State counsel that for effecting recovery of weapon of offence, custodial interrogation of the petitioner is must. However, in the considered opinion of this Court, 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. So far as the contention that the petitioner has not cooperated in the investigation is concerned, it may be stated that the behaviour 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. The purpose of joining investigation is to make oneself available to the Investigating Agency and to respond to lawful queries and not to divulge self-incriminating information.

6. In view of the fact that the petitioner has already joined the investigation and given the nature of allegations, this Court is of the opinion that pre-trial incarceration of the petitioner is not required. As such, without commenting on merits of case, this petition is allowed and the order dated 11.11.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

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

10.12.2025

harjeet

(MANISHA BATRA)
JUDGE

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