



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

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CRM-M No.64369 OF 2024 (O&M)

Date of decision: 28.02.2025

SANDIP KUMAR SHARMA @ RINKA @ SANDEEP SHARMA

.... Petitioner

Versus**STATE OF PUNJAB**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Keshav Pratap Singh and Mr. Namish Sodhi, Advocates
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory
bail to the petitioner in case FIR No.215 dated 08.11.2024 registered under
Sections 262, 263, 221, 132, 61(2) of BNS, 2023, registered at Police Station
Civil Lines, Amritsar, Police Commissionerate.

2. Vide order dated 19.12.2024, passed by this Court, the petitioner
was granted interim bail and was directed to join investigation. Order dated
19.12.2024, passed by this Court, reads as under:

“Petitioner-Sandip Kumar Sharma @ Rinka @ Sandeep
Sharma has filed this petition under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in
FIR No.215 dated 08.11.2024, under Sections 262, 263, 221, 132,

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61(2) of BNS, 2023, registered at Police Station Civil Lines, Amritsar, Police Commissionerate, Amritsar with the allegations that on 07.11.2024 when the main accused Neetu Bala wife of Manish Arora was taken to the hospital, she with the help of her husband including present petitioner managed to escape from there.

Learned counsel for petitioner conceded that present petitioner Sandip Kumar Sharma @ Rinka @ Sandeep Sharma was present in the hospital being family friend of husband of Neetu Bala but he has not played any role in the escape of Neetu Bala. It is further pointed out that FIR No.206 dated 05.10.2021 in which Neetu Bala was being apprehended by the police, she has been granted concession of anticipatory bail in bail application No.1059 of 2024 decided on 18.12.2024. It is further pointed out that in the said anticipatory bail, there is no reference by the Public Prosecutor or by counsel appearing on behalf of complainant that Neetu Bala had escaped from police arrest when she was brought to the hospital. Present petitioner is also ready to join the investigation.

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State and prays for an adjournment to file status report.

Adjourned to 28.02.2025, for filing status report.

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In the meantime, arrest of present petitioner- Sandip Kumar Sharma @ Rinka @ Sandeep Sharma is stayed, subject to his joining investigation. ”

3. Status report dated 18.02.2025 has already be filed on behalf of respondent-State.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 30.12.2024 but he did not cooperate with the Investigating Officer and did not disclose the identity of other unidentified co-accused and therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for 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. So far as, denial to disclose the identity of other co-accused is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 19.12.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

28.02.2025**Jyoti-IV****(MANISHA BATRA)****JUDGE**

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