



CRM-M-65574-2024

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

203-2

CRM-M-65574-2024

Date of decision: 28<sup>th</sup> October, 2025

Rakesh Jain and another

...Petitioners

Versus

State of Haryana

...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.

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**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 30.12.2024 passed by this Court, the petitioners were released on interim bail 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 however, the petitioners joined the investigation on 11.08.2025 but they 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 non recovery is concerned, mere non recovery of some disputed money and articles 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. In the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. The allegations that she had conspired with the co-accused in cheating the complainant is to be determined on the basis of evidence to be adduced during trial on thorough assessment of the evidence to be produced on record and not at this stage. As such, the present petition is allowed and the order dated 30.12.2024, 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

28<sup>th</sup> October, 2025

|                |                               |   |          |
|----------------|-------------------------------|---|----------|
| Parveen Sharma | 1. Whether speaking/ reasoned | : | Yes / No |
|                | 2. Whether reportable         | : | Yes / No |