

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:177348



209

CRM-M-65654-2025 (O&M)
Date of decision:22.12.2025

Baljinder Singh @ Kala Warraich

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nirmaljeet Singh Sidhu, 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.53, dated 27.04.2025, registered under Sections 331(4), 305 of the BNS, at Police Station Dayalpura (Bhagta Bhai Ka), District Bathinda.

2. Vide order dated 20.11.2025, passed by this Court, the petitioner was granted interim bail and 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 on 24.11.2025, though, it is submitted by learned State counsel that no recovery has been effected from the petitioner and for the purpose of effecting recovery, custodial interrogation of the petitioner is required.

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

5. Though, it is submitted by learned State counsel that for effecting recovery, 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*.

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 20.11.2025 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.

22.12.2025

harjeet

(MANISHA BATRA)
JUDGE

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