



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-7708 of 2026

Date of Decision: 30.04.2026

Dharmender Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Kamal Sharma, Advocate
for Mr. Amit Arora, Advocate
for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 18 dated 18.01.2026, for the commission of offence punishable under Section(s) 306 and 3(5) of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Kotwali Faridabad, District Faridabad, Haryana.

2. Vide order dated 10.02.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

3. The learned State Counsel has filed reply. The same be taken on

Record.

4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 10.02.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 10.02.2026 be made absolute.

6. The learned State counsel has controverted the above-mentioned arguments. The learned State counsel, on the instructions of 'ASI Bhupender', has contended that although the petitioner has joined the investigation, but he was non-cooperative, and that gold ornaments are, yet, to be recovered. As per learned State counsel, in view of above-mentioned circumstances, custodial interrogation of the petitioner is necessary.

7. The record has been perused carefully.

8. With regard to fact-situation of this case and the above-mentioned arguments, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that the petitioner cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm his interests or may amount to defeating his right of defence, as laid down by the Hon'ble Supreme Court of India in the cases of "Vinay Kumar Gupta v. State of Madhya Pradesh" [Criminal Appeal No. 939 of 2026, decided on 16.02.2026] and "Sanjay Sharma v. State of Haryana" [Criminal Appeal

No. 767 of 2026, decided on 09.02.2026];

- iii) that no significant evidence is to be discovered, with the assistance of petitioner, in this case, which may be helpful in linking the petitioner with the commission of crime; And
- iv) that the recovery of gold ornaments can be facilitated by giving a direction to the petitioner to join the investigation as and when called by the Investigating Officer;
- v) that the offence is triable by the Court of Judicial Magistrate;
- vi) that the petitioner has no criminal antecedents;
- vii) that nothing has been left to be recovered from the possession of petitioner;
- viii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- ix) that the investigation and trial of the case are not likely to be concluded in near future;
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

9.

Keeping in view the aforesaid submissions and the fact that the

petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 10.02.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

April 30, 2026
“DK”

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