



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

108

CRM-M-13103-2026 (O&M)

Date of decision : 21.05.2026

Kamini Dubey

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Mukesh Rana, Advocate for the petitioner.
(joined through video conferencing)

Mr. Ramender Singh Chauhan, AAG Haryana
assisted by PSI Naveen Kumar.

Mr. Najjar Singh, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest 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.36 dated 15.01.2026, for the commission of offence punishable under Sections 406/420/120-B of Indian Penal Code, Police Station Kundli, District Sonipat.

2. Vide order dated 11.03.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

3. It has been contended by learned counsel for the petitioner that in compliance with order dated 11.03.2026, the petitioner has already joined



the investigation. According to learned counsel for the petitioner, in the present case custodial interrogation of the petitioner is not required, and therefore, the order dated 11.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

4. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner has joined the investigation, but she was non-cooperative while joining the investigation. According to learned counsel for the complainant, liquor bottles and the agreement between the parties are, yet, to be recovered, and that for the abovesaid the purpose, custodial interrogation of the petitioner is required.

5. The record has been perused carefully.

6. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner has already joined the investigation;
- ii. that as laid down by the Hon'ble Supreme Court of India in the case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026], 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;
- iii. that as per law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Sharma v. State of Haryana' [Criminal Appeal No.767 of 2026, decided on 09.02.2026],



collection of evidence is the responsibility of the Investigating Officer, and that an accused cannot be compelled to self-incriminate himself;

- iv. that the investigation and trial are not likely to be concluded in near future;
- v. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- vi. that there is nothing on record to show that if the order dated 11.03.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii. that there is nothing on record to show that if order dated 11.03.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

7. Taking into consideration the cumulative effect of all the abovementioned factors and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled to anticipatory bail. Hence, the present petition is hereby ***allowed*** and the order dated 11.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

8. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

21.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No