



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

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CRM-M-13869-2026 (O&M)

Date of decision : 30.04.2026

Uttam Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana
assisted by ASI Harveer.

Mr. Surinder Dagar, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral)

Power of Attorney on behalf of the complainant has been filed.

The same be taken on record.

2. This petition for pre-arrest bail is the first petition filed by the petitioners under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.262 dated 17.10.2025, for the commission of offence punishable under Sections 318(3), 351(2) and 61 of Bharatiya Nyaya Sanhita, 2023, Police Station New Colony, District Gurugram.

3. Vide order dated 13.03.2026, 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.



4. It has been contended by learned counsel for the petitioner that in compliance with order dated 13.03.2026, 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 13.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

5. The status report has already been filed. The same be taken on record. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner has joined the investigation, but he was non-cooperative when he joined the investigation. As per learned State Counsel, the vehicle, involved in the instant case, is yet to be recovered from the possession of petitioner, and that for the abovesaid purpose custodial interrogation of the petitioner is necessary.

6. The learned counsel for the complainant, too, has controverted the abovementioned arguments. According to learned counsel for the complainant, in fact four vehicles were handed over by the complainant to 'Krishna Dixit', and the location of two vehicles (out of four vehicles) were found at the residence of the petitioner, and that the abovesaid two vehicles are yet to be recovered. However, during the course of arguments, it has been conceded by learned counsel for the complainant that those vehicles were handed over to 'Krishna Dixit' and with regard to abovementioned delivery, any agreement, in writing, was not executed.

7. The record has been perused carefully.



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

- i. that in view of abovementioned arguments, once the vehicle was never handed over by the complainant to the petitioner, the question of recovery of the same from the petitioner does not arise;
- ii. that the petitioner has already joined the investigation;
- iii. 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 case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026];
- iv. 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-incriminating himself;
- iii. that the investigation and trial are not likely to be concluded in near future;
- iv. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- v. that there is nothing on record to show that if the order dated 13.03.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and



vi. that there is nothing on record to show that if order dated 13.03.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

9. 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 for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 13.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

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

(SURYA PARTAP SINGH)
JUDGE

30.04.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No