



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

215

**CRM-M No.17444 of 2026 (O&M)
Date of Decision :04.05.2026**

Gujar Husain @ Husain

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. J.S.Johal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

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.32 dated 14.02.2026, for the commission of offence punishable under Sections 118(1), 115(2), 351(2), 351(3), 3(5), 308(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Mahilpur, District Hoshiarpur.

2. Vide order dated 01.04.2026, 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 01.04.2026, 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 01.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

6. 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. According to learned State counsel the cash amount of Rs.1,13,000/-, weapon of offence and motorcycle are yet to be recovered and for that purpose custodial interrogation of the petitioner is required.

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 case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026];
- 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-incriminating himself;
- iv) that the offence is triable by the Court of Judicial Magistrate;
 - v) that the investigation and trial are not likely to be concluded in near future;
 - vi) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
 - vii) that there is nothing on record to show that if the order dated 01.04.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
 - viii) that there is nothing on record to show that if order dated 01.04.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

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 01.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

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

(SURYA PARTAP SINGH)
JUDGE

04.05.2026

Manoj Bhutani

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