



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

203

CRM-M-18905-2026

Date of decision: 2<sup>nd</sup> July, 2026

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

Through the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No. 41 dated 06.02.2026 registered under Sections 109, 307, 140(1), 61(2) and 62 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station Machhiwara, District Ludhiana.

2. Vide order dated 07.04.2026 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned State counsel filed reply dated 26.06.2026 The same is taken on record. She further, on instructions, states that the petitioner joined the investigation on 22.04.2026. However, it is, submitted that he has not co-operated with the Investigating Officer and not got recovered the weapon carried by him in the incident. His custodial interrogation is required. Therefore, it is urged that the petition does not deserve to be allowed.

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4. The petitioner joined investigation on 22.04.2026. So far as the non recovery is concerned, 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. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self-incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 07.04.2026 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

5. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

2<sup>nd</sup> July, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No  
: Yes / No