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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22156-2026

Date of decision: 8th May, 2026

Gaurav Patial

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Deep Saini, Advocate for the petitioner.
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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 04.03.2026 registered under
Sections 331(4), 324(4), 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023
(for short 'BNS') at Police Station Nangal, District Rupnagar.

2. Vide order dated 23.04.2026 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation.

3. Learned State counsel filed status report dated 05.05.2026 The
same is taken on record. He further, on instructions, states that the petitioner
joined the investigation on 24.04.2026. However, it is, submitted that he has
not co-operated with the Investigating Officer as he did not get recovered the
weapon and car used in the occurrence. His custodial interrogation is required.
Therefore, it is urged that the petition does not deserve to be allowed.

4. The petitioner joined investigation on 24.04.2026. So far as the

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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 23.04.2026 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

8th May, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No