



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22179 of 2026

Date of Decision: 14.05.2026

Anupam Sharma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Mr. Swaran Singh Tiwana, Advocate
for the complainant.

Surya Partap Singh, J.

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. 49 dated 02.04.2026, for the commission of offence punishable under Section(s) 318(4), 316(2), 336(2), 338, 336(3), 340(2) and 61 of 'the Bharatiya Nyaya Sanhita, 2023', Police Station Mulepur, District Fatehgarh Sahib, Punjab.

2. Vide order dated 22.04.2026, 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.

record.

4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 22.04.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 22.04.2026 be made absolute.

5. The learned State counsel has controverted the above-mentioned arguments. According to the learned State counsel, although the petitioner has joined the investigation, but his custodial interrogation is necessary to establish the complete chain of conspiracy.

6. The record has been perused carefully.

7. 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 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 offence is triable by the Court of Judicial Magistrate;
- v) that the only role attributed to the petitioner is that he scribed the gift deed and identified the executants 'Daljit Kaur' and 'Gurpreet Singh'. Qua above-mentioned role, *prima facie*, no criminal offence is made out;
- vi) that the only evidence collected by the investigating agency against the petitioner, is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused of the petitioner was in police custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the above-mentioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- vii) that the entire evidence to be collected by the Investigating Agency in the present case is documentary in nature;
- viii) that the investigation and trial are not likely to be

concluded in near future;

- ix) that nothing has been left to be recovered from the possession of petitioner;
- x) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- xi) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- xii) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xiii) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

8. 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 to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 22.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 14, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No