



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22984 of 2026

Date of Decision: 07.05.2026

Priya

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

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

Present: Mr. Mohit Girdhar, Mr. Sanyam Yadav and
Mr. Nishant Sehgal, Advocate for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana, for the respondent.

Mr. Pradeep Virk, Senior Advocate
with Mr. Kamal Deep Sehra, 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. 240 dated 21.08.2025, for the commission of offence punishable under Section(s) 115, 140(2), 308(5), 351(3) and 61(2) of 'the Bharatiya Nyaya Sanhita, 2023' and Section(s) 25, 27 and 30 of 'the Arms Act, 1959' Police Station Civil Lines, District Sonipat, Haryana.

2. Vide order dated 24.04.2026, 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. Heard.

4. It has been submitted by learned counsel for the petitioner that in compliance with order dated 24.04.2026, 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 24.04.2026 be made absolute.

5. The learned State counsel, on the instructions of 'SI Azad Singh', has submitted that although the petitioner has joined the investigation, but during the course of investigation she was non-cooperative, and that for the purpose of recovery of mobile phone used by the petitioner, her custodial interrogation is necessary.

6. The record has been perused carefully.

7. With regard to fact-situation of the present case, and the arguments mentioned above, it is hereby observed that 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 cases of "Vinay Kumar Gupta v. State of Madhya Pradesh" [Criminal Appeal No. 939 of 2026, decided on 16.02.2026] and "Sanjay Sharma v. State of Haryana" [Criminal Appeal No. 767 of 2026, decided on 09.02.2026], the petitioner cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm her interests, or may amount to defeating her right of defence;

- iii) that no significant evidence is to be collected, with the assistance of petitioner, which may be helpful in linking the petitioner with the commission of crime;
- iv) that there is delay of eight months in reporting the matter to the police. The contents of FIR itself shows that the alleged incidents had taken place on 03.01.2025 and 14.01.2025, but the request for lodging the FIR was preferred on 21.08.2025. There is no explanation for such a huge delay in reporting the matter to the police and this fact in itself is fatal for the credibility of prosecution case;
- v) 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;
- vi) that there is no specific allegation against the petitioner that any amount was paid to her or that money was demanded by her;
- vii) that the petitioner being lady deserves a considerate view;
- viii) that as far as the recovery of mobile phone is concerned, the same can be facilitated by issuing a direction to the

petitioner to join the investigation as and when called by the Investigating Officer to do so;

- ix) that the investigation and trial are not likely to be concluded in near future;
- x) that nothing has been left to be recovered from the possession of petitioner;
- xi) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- xii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- xiii) 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
- xiv) 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 for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 24.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 07, 2026
“DK”

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