



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-23907 of 2026

Date of Decision: 26.05.2026

Gurwinder Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

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

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

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent No.1.

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. 145 dated 15.07.2025, for the commission of offence punishable under Section(s) 420 of 'the Indian Penal Code, 1860' Police Station City Nawanshahar, District S.B.S. Nagar, Punjab.

2. Vide order dated 08.05.2026, 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 status report. 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 08.05.2026, 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 08.05.2026 be made absolute.

6. The learned State counsel has submitted that although the petitioner has joined investigation, but for further investigation of this case his custodial interrogation is required. The learned State counsel has sought for dismissal of instant petition.

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 for seeking custodial interrogation of the petitioner, no specific ground has been detailed in the reply filed by the learned State counsel. Thus, it is hereby observed that no ground for custodial interrogation of the petitioner is made out;
- ii) that the offence is triable by the Court of Judicial Magistrate;
- iii) that the maximum punishment prescribed for the offence is imprisonment upto seven years;
- iv) 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;

- v) that otherwise also, the dispute between the parties seems to be a dispute of civil nature, i.e. recovery of money;
- vi) that the investigation and trial of the case are not likely to be concluded in near future;
- vii) 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
- viii) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

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 to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 08.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 26, 2026
“DK”

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