



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

114

CRM-M-25934-2026 (O&M)

Date of decision : 21.05.2026

Vijay Kumar

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Kanwar Yuvraj Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Brajesh Kumar, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral)

Memorandum of Appearance on behalf of the complainant has been filed. The same be taken on record.

2. This petition for pre-arrest 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.151 dated 16.04.2026, for the commission of offence punishable under Sections 316(2), 318(4), 336(2), 338, 340(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Kharar, District SAS Nagar.

3. Vide order dated 08.05.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.



4. It has been contended by learned counsel for the petitioner that in compliance with order dated 08.05.2026, the petitioner has already joined the investigation. According to learned counsel for the petitioner, in the present case custodial interrogation of the petitioner is not required, and therefore, the order dated 08.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

5. The learned State Counsel has filed status report. The same be taken on record. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner has joined the investigation, but for the recovery of money involved in the present case, the custodial interrogation of the petitioner is required.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- 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 investigation and trial are not likely to be concluded in near future;
- v. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- vi. that there is nothing on record to show that if the order dated 08.05.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii. that there is nothing on record to show that if order dated 08.05.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

8. Taking into consideration the cumulative effect of all the abovementioned factors 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.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

21.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No