



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-28828 of 2026

Date of Decision: 03.07.2026

Waras alias Waras Masih alias Buntty

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

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

Present: Mr. Munish Puri, Advocate
for the petitioner(s).

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

Ms. Mumtaz Akhtar, Advocate
for the respondent No.2.

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. 207 dated 30.12.2025, for the commission of offence punishable under Section(s) 420 of 'the Indian Penal Code, 1860', Police Station Dhariwal, District Gurdaspur, Punjab.

2. Vide order dated 20.05.2026, 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. Heard.

4. It has been submitted by learned counsel for the petitioner that in compliance with order dated 20.05.2026, 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 20.05.2026 be made absolute.

5. The learned State counsel being assisted by learned counsel for the respondent No.2/complainant, on the instructions of 'ASI Sukhdev Singh', has submitted that although the petitioner has joined investigation, but he has not paid the money and for recovery of money his custodial interrogation is required.

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 maximum punishment prescribed for the offence is imprisonment upto seven years;
- vi) that the dispute between the parties, *prima facie*, seems to be a dispute regarding payment of money, which is essentially a dispute of civil nature;
- vii) that the entire evidence to be collected by the Investigating Agency is documentary in nature and therefore, custodial interrogation of the petitioner is not likely to produce any favourable results;
- viii) that the investigation and trial of the case are not likely to be concluded in near future;
- ix) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- x) 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
- xi) 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 20.05.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

July 03, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No