

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:018974



203

CRM-M-38718-2025 (O&M)  
Date of decision:09.02.2026

Ajay Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Fateh Singh Bhullar, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

**Manisha Batra, J. (Oral).**

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.20, dated 11.01.2022, registered under Sections 392, 342, 506, 34 IPC and Section 25/27 of the Arms Act, at Police Station 'B' Division, Amritsar, District Police Commissionerate Amritsar.

2. Vide order dated 22.07.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Learned State Counsel, on instructions from the Investigating Officer, submits that although the petitioner has joined the investigation on 30.07.2026 but he has not cooperated with the investigating agency. It is further submitted that the recovery in question has not been effected till date.

It is, therefore, argued that custodial interrogation of the petitioner is must

for the purpose of proper investigation.

4. This Court has heard the rival submissions made by learned counsel for the parties.

5. Though, it is submitted by learned State counsel that for effecting recovery, custodial interrogation of the petitioner is must. However, in the considered opinion of this Court, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', *1992 (3) CCR 2764* and in case titled as '*Pooran Singh vs. State of Delhi*', *2022(1) RCR (Criminal) 503*.

6. So far as the contention as raised by learned State counsel qua allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from him, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in *Santosh versus State of Maharashtra (2017) 9 SCC 714* and *Jugraj Singh versus State of Punjab, SLP No.9190 of 2025*. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation, satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration

should not be a replica of post conviction sentencing. As such, a case is made out for allowing the present petition.

7. Accordingly, the present petition is allowed and the order dated 22.07.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

8. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

09.02.2026  
*harjeet*

(MANISHA BATRA)  
JUDGE

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