

2026:PHHC:022312



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46360 of 2025

Sandeep Kumar ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	09.02.2026
2.	The date when the judgment is pronounced	13.02.2026
3.	The date when the judgment is uploaded on the website	13.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Surinder Singh Duhan, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Suresh Nain, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The petitioner has joined investigation on 08.12.2025.

Learned counsel for the petitioner has argued that the order for grant of

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interim bail to the petitioner deserves to be made absolute and the petition deserves to be allowed.

2. Per contra, learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that the petitioner has not cooperated with the investigation. Recovery of a sum of Rs.5 lakhs which he had taken from the victim has not been effected. His custodial interrogation is must. It is, therefore, stressed that the petition does not deserve to be allowed.

3. This Court has considered the rival submissions.

4. So far as the non recovery is concerned, mere non recovery of money 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. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behaviour attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to satisfactorily divulge self incriminating

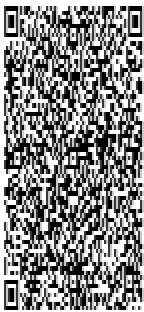
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information.

5. More so, the petitioner has been involved in this case for commission of offence punishable under Section 108 of BNS. To bring a case within the purview of this provision, there must be a case of suicide and the person who is said to have abetted such suicide, must have played an active role by act of instigation and doing certain acts to facilitate the commission of suicide. Allegations of harassment of the deceased by the accused do not suffice. In the instant case, the victim has allegedly left a suicide note wherein he has held the petitioner and the co-accused responsible for his death. However, on perusal of this suicide note as well as allegations in the FIR, a debatable question arises as to whether these allegations amount to abetment of suicide of the victim, by the present petitioner. The allegation that the petitioner along with others was blackmailing the victim by raising demand of money and preparing some video are to be considered on thorough assessment of the evidence to be produced during trial and not at this stage. Taking into consideration all these above discussed facts, this Court is of the considered opinion that pre trial incarceration of the petitioner is not required. Even otherwise, pre trial incarceration should not be replica of post conviction sentencing. Accordingly, the present petition is allowed and the order dated 03.11.2025, granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

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6. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.02.2026
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(MANISHA BATRA)
JUDGE

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