



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

107

CRM-M-47717-2025

Date of Decision: 19.03.2026

SUKHWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of anticipatory bail in case arising out of FIR No.3 dated 22.01.2025, registered under Sections 406 and 420 of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Garhdiwal, District Hoshiarpur.

2. Status report has been filed by learned State counsel and a copy thereof has been furnished to counsel opposite.

3. Learned State counsel, on instructions from ASI Balbir Singh, submits that though the petitioner has joined the investigation on 30.08.2025 and 24.01.2026, respectively but he has not cooperated with the investigation and has not effected recovery of the amount of Rs. 8,00,000/- in dispute. It is, therefore, argued that the petition does not deserve to be



allowed.

4. Per contra, learned counsel for the petitioner submits that since the petitioner has already joined the investigation, his custodial interrogation is not required and non-recovery cannot be considered a ground for denying the benefit of anticipatory bail to him. It is, therefore, urged that the petition deserves to be allowed.

5. This Court has heard rival submission made by learned counsel for the parties.

6. So far as the submission that there is non-cooperation due to non-recovery of money is concerned, 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 Thakur vs. State of Delhi*', 1992(3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. So far as the contention that the petitioner has not cooperated in the investigation concerned, 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 divulge self-incriminating information.

7. In view of the fact that the petitioner has already joined the investigation and given the nature of allegations, this Court is of the opinion that pre-trial incarceration of the petitioner is not required. As such, without

commenting on merits of case, this petition is allowed and the order dated 28.08.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(MANISHA BATRA)
JUDGE

March 19, 2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No