

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:017204



204

CRM-M-49685-2025 (O&M)

Date of decision:05.02.2026

Alisha Bhagat & others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Aditya Anand, Advocate for the complainant.

...

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.157, dated 01.07.2025, registered under Sections 420 and 120-B IPC, at Police Station City Gurdaspur, District Gurdaspur.

2. Vide order dated 08.09.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Status report has been filed, as per which the petitioner has joined investigation on 21.09.2025. Learned State counsel as well as counsel for the complainant have submitted that the petitioner had extracted an amount of Rs.15 lakhs from the victim. He has not got the same recovered and has not cooperated with the investigation. For effecting recovery of that

amount, his custodial interrogation is must. It is, therefore, stressed that the petition does not deserve to be allowed.

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

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 08.09.2025, 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.

05.02.2026

harjeet

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

(MANISHA BATRA)
JUDGE