

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:036496



106

CRM-M-56480-2025 (O&M)
Date of decision:10.03.2026

Surbhi Bansal & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arvinder Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Ms. Mehar Nagpal, Advocate for the complainant (through V.C.)

...

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.166, dated 16.07.2025, registered under Sections 406, 420 and 120-B IPC, at Police Station City Rajpura, District Patiala.

2. Vide order dated 06.10.2025, passed by this Court, the petitioners were granted interim bail and were directed to join investigation.

3. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has argued that though, the petitioners have joined investigation but no recovery has been got effected from them and they have not cooperated with the Investigating Agency. It is,

therefore, jointly urged that custodial interrogation of the petitioners is required and the petition does not deserve to be allowed.

4. Learned counsel for the petitioners on the other hand has argued that they have joined the investigation. No such document was in their possession, which was required to be recovered. The dispute between the parties is of civil nature and civil litigation is already pending. No recovery is to be effected from them. It is, therefore, argued the interim bail order deserves to be allowed.

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

6. So far as the contention that there has not been recovery of any document or money at the instance of the petitioners is concerned, 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. As regards the contention that the petitioners have not cooperated in the investigation is concerned, it may be stated that the behaviour attributed to the petitioners 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 petitioners have 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. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing. As such, without commenting on merits of case, this petition is allowed and the order dated 06.10.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

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

10.03.2026

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

(MANISHA BATRA)
JUDGE