

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:047960



103

CRM-M-59987-2025 (O&M)
Date of decision:25.03.2026

Naina Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Bansal, Advocate and
Mr. Jaswant Singh, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

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.0286, dated 28.08.2025, registered under Sections 120-B, 419, 420, 467, 468 and 471 IPC, at Police Station Thanesar City, District Kurukshetra.

2. Vide order dated 28.10.2025, 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 09.12.2025. It is submitted by learned State counsel that the petitioner has not cooperated with the Investigating Agency as the original affidavit which was alleged to be sworn by the complainant/her husband has not got recovered by the petitioner nor money given by the complainant to her/her husband has been got recovered. While submitting

that the remaining documents in dispute have already been got recovered. It is, therefore, argued that custodial interrogation of the petitioner is required and the petition does not deserve to be allowed.

4. Learned counsel for the petitioner on the other hand has argued that the original affidavit was never given to the petitioner by the co-accused Daljeet Singh, who is a property dealer and as such, the petitioner could not get the same recovered. It is also argued that due to non recovery of money, she cannot be denied benefit of anticipatory bail since the entire amount of money in question had been given by the petitioner/her husband to co-accused Daljeet Singh, who is a property dealer and who was instrumental in striking deal between the petitioner and the complainant. It is, therefore, argued that the petition deserves to be allowed.

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

6. Though, it is submitted by learned State counsel that for effecting recovery of original affidavit as well as money in question, 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. So far as the contention that the petitioner has not cooperated in the investigation is 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 28.10.2025 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.

25.03.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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