

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:032516



102

CRM-M-62748-2025 (O&M)
Date of decision:27.02.2026

Javed Khan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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.158, dated 25.10.2025, registered under Sections 316(2) and 318(4) of the BNS, at Police Station Sadar Jagadhri, District Yamuna Nagar.

2. Vide order dated 11.11.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Learned counsel for the petitioner has submitted that the petitioner has joined investigation on 14.02.2026 and the cheques by way of security had been taken by the complainant from him and now proceedings under Section 138 of the Negotiable Instruments Act are pending. The agricultural land owned by him has already been attached by the complainant. He has fully cooperated with the investigation. It is, therefore,

argued that the interim order deserves to be made absolute.

4. Status report has been filed. Learned State counsel on instructions from the Investigating Officer has submitted that though the petitioner has joined investigation on 14.02.2026 but he is not cooperating with the investigation since he has neither disclosed the names of persons/customers, to whom he had sold the rice nor the recovery of Rs.2,96,02,567/- has been got effected. For the purpose of recovery of the amount in question as well as for identification of the persons to whom he had sold the rice, his custodial interrogation is required.

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

6. Though, it is submitted by learned State counsel that for effecting recovery of the amount 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 considered 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 11.11.2025 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.

(MANISHA BATRA)
JUDGE

27.02.2026

harjeet

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