



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

205

CRM-M-65421-2025

Date of Decision: 16.02.2026

SURBHI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, 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.192 dated 27.10.2025, registered under Sections 420, 408, 406, 120-B of IPC, at Police Station Nangal, District Rupnagar.

2. Learned Deputy Advocate General, Haryana has submitted that though the petitioner has joined investigation on 03.12.2025 but he has not cooperated in investigation and had not got recovered the amount in dispute. It is, therefore, argued that the petitioner does not deserve to be allowed.

3. Per contra, learned counsel for the petitioner submits that since the petitioner has already joined investigation, therefore, her custodial interrogation is not required and non recovery cannot be considered to be a



reason for denying the benefit of anticipatory bail to her. It is, therefore, urged that the petition deserves to be allowed.

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

5. Though, it is submitted by learned State counsel that no money has been recovered from the petitioner and the petitioner has not cooperated with the investigating agency concerned. 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 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.

6. 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 21.11.2025 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

February 16, 2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No