

2026:PHHC:040541



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

203

CRM-M-67592-2025

Date of Decision: 16.03.2026

SHAMSHER SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Naveen Kuhad, Advocate for
Mr. P.K.S. Phoolka, Advocate for
the petitioner.

Mr. Rohit Hans, DAG, Punjab.

H.S. GREWAL, J. (ORAL)

The instant petition has been filed under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking grant of anticipatory bail to the petitioner in FIR No.201 dated 12.09.2025 under Sections 420 and 409 of IPC registered at Police Station Nehianwala, Bathinda, District Bathinda.

Vide order dated 25.02.2026 passed by this Court, the petitioner was directed to appear before the SHO/Investigating Officer to join the investigation and upon his doing so, he was ordered to be released on interim bail to the satisfaction of SHO/Investigating Agency.

Learned State Counsel has filed reply today as per which the petitioner has joined the investigation. However, it is contended that the petitioner has not cooperated with the Investigating Agency. Hence, he prayed for dismissal of the present petition.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record.

In the latest judgment dated 09.02.2026 passed by Hon'ble the Supreme Court in ***SLP (Crl.) No.20 of 2026*** titled as '***Shally Mahant @ Sandeep Versus State of Punjab***', it has been held as under:

“6. Not answering the questions of the I.O., would not ipso facto mean there is non-cooperation. Hence, we do not propose to go into that aspect and it would suffice to notice that the appellant has appeared before the I.O. pursuant to the interim protection granted.....”

In the present case, it is not the case of prosecution that the petitioner has not at all appeared before the I.O. Rather the sole contention of the learned State Counsel is that the petitioner appeared before the I.O. but did not cooperate in the investigation. Hence, the ratio of law laid down ***Shally Mahant @ Sandeep's case (supra)*** is fully applicable to the facts and circumstances of the present case and, therefore, the instant petition deserves to be allowed.

Consequently, the interim order dated 25.02.2026 passed by this Court is hereby made absolute.

Petition stands allowed accordingly.

However, it is clarified that the investigating authority on addition of an offence or offences may not proceed to arrest the accused/petitioner, but for arresting the accused/petitioner on such addition of offence or offences it needs to obtain an order to arrest the accused/petitioner from the Court which had granted the bail in view of the judgment passed by Hon'ble the Supreme Court in ***Criminal Appeal No.830 of 2026*** arising out of ***SLP (Criminal) No.1536 of 2026*** titled as ***Sumit Versus State of Uttar Pradesh and another.***

MARCH 16, 2026.
Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No