

2026:PHHC:020050



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

211

**CRM-M-68443-2025
Date of decision : 10.02.2026**

DILIP KUMAR

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Shubham Kaushik, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH. J.(Oral)

1. This is a petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (hereinafter referred to as 'BNSS'), for anticipatory bail in a case arising out of FIR No.165 dated 06.07.2025 under Sections 331(3), 305, 317, 317(2) of BNS, 2023, Police Station Model Town, District Hoshiarpur.
2. It has been submitted by learned counsel for the petitioner that in compliance with order dated 05.12.2025, whereby the benefit of interim anticipatory bail was afforded to the petitioner, the petitioner has joined investigation, and therefore, the order dated 05.12.2025 be made absolute.
3. In response thereto, the learned State counsel has submitted that although the petitioner has joined investigation, but he has been non-

cooperative, and that the stolen property has not been got recovered by the petitioner. The learned State counsel has also filed the status report. The same be taken on record.

4. The record has been perused carefully.

5. In the case of 'Gurbaksh Singh Sibbia and Others V/s State of Punjab' 1980(2) SCC 565, it has been observed by Hon'ble Supreme Court of India that 'one of the precautions, which should be taken into consideration while dealing with a petition for anticipatory bail is to strike a balance between two factors, namely no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused'.

6. Similarly in the case of 'Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others', AIR 2011 SC 312, the Hon'ble Supreme Court of India has ruled that right to life is one of the basic human right and not even the State has the authority to violate that right. As per Hon'ble Supreme Court of India, the object of Article 21 of the Constitution of India is to prevent encroachment upon personal liberty in any manner, whatsoever.

7. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i. that the offences are triable by the Court of Judicial Magistrate;
- ii. that the petitioner has already joined the investigation;

- iii. that trial of the case is not likely to be concluded in near future;
- iv. that the recovery of stolen property of offence can be facilitated by issuing direction to the petitioner to join the investigation, as and when called by the Investigating Officer;
- v. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- vi. that there is nothing on record to show that if the order dated 05.12.2025 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii. that there is nothing on record to show that if order dated 05.12.2025 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

8. Taking into consideration the cumulative effect of all the abovementioned factors, the order dated 05.12.2025, granting interim anticipatory bail to the petitioner, is hereby made absolute. The present petition stands disposed of accordingly.

(SURYA PARTAP SINGH)
JUDGE

10.02.2026

<i>vipin</i>	Whether speaking/reasoned	:	Yes
	Whether Reportable	:	No