

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:015643



211

CRM-M-70683-2025 (O&M)
Date of decision:03.02.2026

Sharanjit Singh @ Sunny

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Beniwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

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.113, dated 23.07.2024, registered under Sections 115(2), 194(2), 191(3), 190 of the BNS (offence under Section 118(1) of the BNS was added lateron), at Police Station 'B' Division, Amritsar, District Amritsar.

2. Vide order dated 15.12.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Learned State counsel on instructions from the Investigating Officer has submitted that the petitioner has joined investigation on 17.01.2026. Learned State counsel further submits that the weapon used at the time of occurrence has not been got recovered and he has not cooperated in the investigation and it is, therefore, urged by her that the custodial

interrogation of the petitioner 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 weapon of offence, 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.

7. So far as the contention as raised by learned State counsel qua allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from him, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in **Santosh versus State of Maharashtra (2017) 9 SCC 714** and **Jugraj Singh versus State of Punjab, SLP No.9190 of 2025**. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation, satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration

should not be a replica of post conviction sentencing. As such, a case is made out for allowing the present petition.

8. Accordingly, the present petition is allowed and the order dated 15.12.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

03.02.2026
harjeet

(MANISHA BATRA)
JUDGE

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