



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

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CRM-M-12632-2026 (O&M)
Date of decision : 13.05.2026

Karamdin & Anr.

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Shantanu Bansal, Advocate for the petitioners.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab
assisted by Inspector Kuldeep Kumar.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest bail is the first petition filed by the petitioners under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.17 dated 13.03.2025, for the commission of offence punishable under Sections 329(3), 62, 303(2), 324(4), 324(5), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023, Police Station Hathur, District Ludhiana (Rural).

3. Vide order dated 21.04.2026, the petitioners were admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of arresting officer. It was also directed that the petitioners shall join the investigation.

4. It has been contended by learned counsel for the petitioners that in compliance with order dated 21.04.2026, the petitioners have already joined the investigation. According to learned counsel for the petitioners, in



the present case custodial interrogation of the petitioners is not required, and therefore, the order dated 21.04.2026, whereby the petitioners were accorded the benefit of interim anticipatory bail, be made absolute.

5. The learned State Counsel, on the instructions of Inspector Kuldeep Kumar, has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioners have joined the investigation, but they were non-cooperative when they joined the investigation. As per learned State Counsel, the tractor and car, involved in the instant case, are yet to be recovered, and that for the abovesaid purpose custodial interrogation of the petitioners is necessary.

6. The record has been perused carefully.

7. A perusal of record shows in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioners have already joined the investigation;
- ii. that the petitioners cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm his interests or may amount to defeating his right of defence, as laid down by the Hon'ble Supreme Court of India in the case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026];
- iii. that as per law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Sharma v. State of Haryana' [Criminal Appeal No.767 of 2026, decided on 09.02.2026], collection of evidence is the responsibility of the



Investigating Officer, and that an accused cannot be compelled to self-incriminate himself;

- iv. that the investigation and trial are not likely to be concluded in near future;
- v. that custodial interrogation of the petitioners is not likely to produce a fruitful result;
- vi. that there is nothing on record to show that if the order dated 21.04.2026 is made absolute, the petitioners are likely to tamper with the evidence or influence the witnesses; and
- vii. that there is nothing on record to show that if order dated 21.04.2026 is made absolute, the petitioners will not participate/cooperate in the investigation/trial.

8. Taking into consideration the cumulative effect of all the abovementioned factors and the fact that the petitioners have already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby ***allowed*** and the order dated 21.04.2026, whereby the petitioners were accorded the benefit of interim anticipatory bail, is hereby made absolute.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

13.05.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No