



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

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CRM-M-16253-2026 (O&M)
Date of decision : 21.04.2026

Anil Kumar

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Chahit Bansal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral)

CRM-14268-2026

Application seeking for impleadment of complainant as respondent No.2 in the present case stands allowed for the reasons mentioned therein. The complainant is ordered to be impleaded as respondent No.2 in the present case. Amended memo of parties annexed with the application be taken on record.

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2. 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.35 dated 02.03.2026, for the commission of offence punishable under Section 420 of Indian Penal Code, Police Station Shimlapuri, Police Commissionerate Ludhiana.

3. Vide order dated 30.03.2026, the petitioner was 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 petitioner shall join the investigation.

4. It has been contended by learned counsel for the petitioner that in compliance with order dated 30.03.2026, the petitioner has already joined the investigation. According to learned counsel for the petitioner, in the present case custodial interrogation of the petitioner is not required, and therefore, the order dated 30.03.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

5. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner has joined the investigation, but he was non-cooperative when he joined the investigation. As per learned State Counsel, the money is yet to be recovered from the possession of petitioner, and that for the abovesaid purpose custodial interrogation of the petitioner 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 entire evidence to be collected by the Investigating Agency is documentary in nature;
- ii. that the recovery of money is not a subject matter of the present litigation as the same is a piece of evidence in the present case;
- iii. that the investigation and trial are not likely to be concluded in near future;



- iv. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- v. that there is nothing on record to show that if the order dated 30.03.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vi. that there is nothing on record to show that if order dated 30.03.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

8. In addition to above, it is also relevant to mention here that the Hon'ble Supreme Court of India in the case of 'Vinay Kumar Gupta V/s State of Madhya Pradesh' Criminal Appeal No.939 of 2026, has observed that cooperation during the course of investigation does not mean that the accused will have to help the Investigating Agency in the collection of evidence incriminating him/her.

9. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that once the petitioner has joined the investigation and no convincing ground for his custodial interrogation is made out, the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby **allowed**, accordingly, and the order dated 30.03.2026 is hereby made absolute.

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

(SURYA PARTAP SINGH)
JUDGE

21.04.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No