



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

207

CRM-M-19895-2026 (O&M)

Date of decision : 13.05.2026

Kaptan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Gagandeep Goel and Mr. Sahil, Advocates
for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana
assisted by PSI Avilash.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.970 dated 10.12.2024, for the commission of offence punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023, Police Station Shahabad, District Kurukshetra.

2. Vide order dated 20.04.2026, 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.

3. It has been contended by learned counsel for the petitioner that in compliance with order dated 20.04.2026, 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 20.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

4. The learned State Counsel has filed status report. The same be taken on record. The learned State Counsel, on the instructions of PSI Avilash, 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 recovery of money is yet to take place, and that for the abovesaid purpose custodial interrogation of the petitioner is necessary.

5. The record has been perused carefully.

6. 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 petitioner has already joined the investigation;
- ii. that the petitioner 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 petitioner is not likely to produce a fruitful result;
- vi. that there is nothing on record to show that if the order dated 20.04.2026 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 20.04.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.

7. Taking into consideration the cumulative effect of all the abovementioned factors and the fact that the petitioner has 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 20.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

8. 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