



2026:PHHC:074796

2026:PHHC:074796

**In the High Court of Punjab and Haryana, at Chandigarh****Criminal Misc. No. M-21859 of 2026****Date of Decision: 13.05.2026**

Ramesh Kumar alias Ramesh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Rhythem Bajaj, Advocate
for the petitioner(s).Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.**Surya Partap Singh, J.**

1. This petition for anticipatory 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. 184 dated 12.12.2025, for the commission of offence punishable under Section(s) 118, 115(2) and 3(5) [Section 117(2) added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Khuhi Khera, District Fazilka, Punjab.

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

3. Heard.

**Criminal Misc. No. M-21859 of 2026**

4. It has been submitted by learned counsel for the petitioner that in compliance with order dated 21.04.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 21.04.2026 be made absolute.

5. The learned State counsel, on the instructions of 'SI Varinder Singh', has submitted that in the present case, although the petitioner has joined the investigation, but during the course of investigation he was non-cooperative, and that for the purpose of recovery of weapon and the details of three unknown persons, his custodial interrogation is required.

6. The record has been perused carefully.

7. With regard to fact-situation of the present case, and the arguments mentioned above, it is hereby observed that following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that as laid down by the Hon'ble Supreme Court of India in the cases of "Vinay Kumar Gupta v. State of Madhya Pradesh" [Criminal Appeal No. 939 of 2026, decided on 16.02.2026] and "Sanjay Sharma v. State of Haryana" [Criminal Appeal No. 767 of 2026, decided on 09.02.2026], the petitioner cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm her interests, or may amount to defeating her right of defence;
- iii) that no significant evidence is to be collected, with the

**Criminal Misc. No. M-21859 of 2026**

assistance of petitioner, which may be helpful in linking the petitioner with the commission of crime;

- iv) that the injury suffered by the brother of complainant, namely 'Anil Kumar' was grievous in nature, but it had been caused by a blunt weapon, and rest of the injuries suffered by 'Anil Kumar', and other injured, were simple in nature;
- v) that the injured have already been discharged from the hospital;
- vi) that this is a case of version and cross-version and it is, yet, to be ascertained which of the two parties was the aggressor;
- vii) that the detention of petitioner in the judicial lock-up is not likely to serve any purpose;
- viii) that the investigation and trial of the case are not likely to be concluded in near future;
- ix) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

8. Keeping in view the aforesaid submissions and the fact that the



2026:PHHC:074796

4

Criminal Misc. No. M-21859 of 2026

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 21.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 13, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No