



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-34772 of 2026

Date of Decision: 17.07.2026

Jaswinder Kaur

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Shailender Singh Momi and Mr. H.S. Multani, Advocates
for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana, for the respondent.

Mr. Ashit Malik, Senior Advocate
with Mr. Abhinav Kansal, Advocate
for the complainant.

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. 62 dated 29.05.2026, for the commission of offence punishable under Section(s) 316(2), 318(4), 319(2), 338, 336(3), 340(2) & 61(2) of 'the Bharatiya Nyaya Sanhita, 2023', Police Station Naggal, District Ambala, Haryana.

2. Vide order dated 01.07.2026, 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. The learned State Counsel has filed status report. The same be

**Criminal Misc. No. M-34772 of 2026**

taken on record.

4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 01.07.2026, 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 01.07.2026 be made absolute.

6. The learned State counsel, on the instructions of 'ASI Rajesh', being assisted by the learned counsel for the complainant, has submitted that although the petitioner has joined investigation, but during the course of investigation she did not cooperate, and that the details of the lady who had misused her Aadhar Card has not been disclosed. As per learned State counsel in view of above custodial interrogation of the petitioner is necessary.

7. The record has been perused carefully.

8. In view of fact-situation of this case, in my opinion, the above-mentioned stand taken by the Investigating Officer is not in conformity with law and otherwise also, the petitioner is not supposed to be aware of the details of the lady who had misused the Aadhar Card and impersonated her.

9. A perusal of the record further shows that the 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 case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on



16.02.2026] the petitioner cannot be forced to assist the prosecuting agency in effecting recovery of incriminating material, which may harm her own interests or may defeat her right of defence;

- 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 offence is triable by the Court of Judicial Magistrate;
- v) that the contents of FIR itself shows that the petitioner was not present on the spot at the time of execution of alleged agreement to sell, as there are allegations that some other lady signed the above-mentioned agreement to sell by impersonating herself as 'Jaswinder Kaur' (the petitioner herein);
- vi) that there is nothing on record to show that any part of money, paid by the complainant, has been received by the present petitioner;
- vii) that the petitioner being old-aged lady, deserves a considerate view;
- viii) that the investigation and trial are not likely to be concluded in near future;

**Criminal Misc. No. M-34772 of 2026**

- ix) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- x) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- xi) 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
- xii) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

9. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 01.07.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

July 17, 2026
“DK”

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