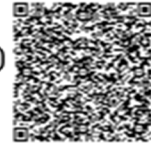


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

213

CRM-M-45031-2025 (O&M)  
Date of decision: 22.09.2025

**Kirandeep Singh @ Yoyo @ Kirandeep Sangha** **...Petitioner**

**Versus**

**State of Punjab** **...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sarvesh Malik, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

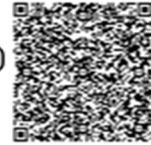
**MANISHA BATRA, J. (Oral)**

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case FIR No.0063, dated 06.05.2025 under Sections 115(2), 118(1), 351(2), 351(3), 191(3), 190, 61(3) of the BNS, 2023 registered at Police Station Mahilpur, District Hoshiarpur.

2. Vide order dated 19.08.2025, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 19.08.2025, passed by this Court, reads as under:

*"...The aforementioned FIR was registered on the basis of statement recorded of the complainant Jaswant Gir alleging that on 28.04.2025, he along with his friend Suraj was standing near Sheetla Mata Mandir of his village, when the petitioner along with co-accused Pardeep Singh and Paramjit Singh @ Pum reached there and started quarrelling with him. In the meantime, 5-6*

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*unknown persons also reached there on 2-3 motorcycles. They had muffled faces and were armed with weapons. All of them opened an assault upon the complainant. The petitioner struck a blow with kirpan on the person of the complainant causing injury on his abdomen, upon which he became unconscious and then the assailants have fled away. He was taken to hospital and remained under treatment. After registration of FIR, investigation proceedings have been initiated against the petitioner and the same are underway. Apprehending his arrest, he had moved an application for pre-arrest bail before the learned Additional Sessions Judge, Hoshiarpur, which had been dismissed vide order dated 31.07.2025.*

*It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is a delay of 8 days in reporting the matter to the police which has not been explained. No specific injury has been attributed to him. Injuries allegedly sustained by the complainant are simple in nature. The petitioner was not the aggressor. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these broad submissions, it is urged that he deserves to be extended the benefit of pre-arrest bail.*

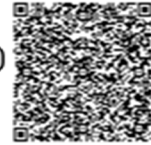
*Notice of motion.*

*On the asking of the Court, Ms. Sakshi Bakshi, learned AAG, Punjab accepts notice and seeks time to file status report.*

*Adjourned to 22.09.2025.*

*In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer*

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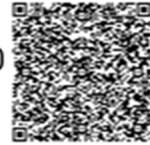
*shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.*

*It would, however, be open to the learned Assistant Advocate General, Punjab to file a reply indicating the involvement of the petitioner and all aspects would be considered at the time of final adjudication of the matter.”*

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 27.08.2025. However, his custodial interrogation is required for getting recovery of Kirpan used by him in the crime effected as the petitioner has not got the same recovered and has not cooperated with the investigation.

4. In compliance with order dated 19.08.2025, the petitioner is stated to have joined the investigation on 27.08.2025. So far as the contention raised by learned State counsel qua allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from him, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in ***Santosh versus State of Maharashtra (2017) 9 SCC 714*** and ***Jugraj Singh versus State of Punjab, SLP No.9190 of 2025***. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily

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divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration should not be a replica of post conviction. As such, a case is made out for allowing the present petition. Accordingly, the present petition is allowed and the order dated 19.08.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

5. It is clarified that the observations made herein above are only for the purposes of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

**22.09.2025***Wassem Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned  
Whether reportable**Yes/No  
Yes/No*