



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-34110 of 2025 (O&M)

Date of Decision: 07.08.2025

Radhe

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

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

Present: Mr. Saleem Ahmed, Advocate
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, Additional Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. The petitioner in the instant petition, under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is seeking anticipatory bail in a case arising out of FIR No.128 dated 22.05.2025 under Sections 316(2), 318(4), 61 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered Police Station Hathin, District Palwal.
2. Vide order dated 03.07.2025 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
3. Heard. The learned State counsel submits that the petitioner has joined the investigation. It is, however, submitted that he is not cooperating with the Investigating Officer and that custodial interrogation of the petitioner is required. According to learned State counsel in view of above the petitioner does not deserve the concession of bail.
4. The record reveals that the petitioner has already joined investigation. So far as non recovery is concerned, mere non recovery cannot

by itself be a ground for denial of bail, as observed by Delhi High Court in a case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503.

5. With regard to contention that the petitioner has not cooperated with the investigating agency, it is relevant to note that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. In the considered opinion of this Court, the pre-trial incarceration of the petitioner is not permissible as it entails the fundamental right of a citizen guaranteed by the Constitution of India. So far as the allegations that he had allured father of the complainant for arranging a girl for marriage of his son (complainant) and took ₹5,20,000/- for the expenses of marriage are concerned, the same have to be determined on the basis of evidence to be adduced during trial on thorough analysis of the evidence to be produced on record and not at this stage. As such, the present petition deserved to be allowed. Hence, the same is hereby allowed and the order dated 03.07.2025, granting interim bail to the petitioner is hereby made absolute, subject to compliance of conditions laid down in Section 482(3) of BNSS.

5. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

(Surya Partap Singh)
Judge

August 07, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No