



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

214

CRM-M-28488-2025

Date of Decision: 07.07.2025

Keshav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Tushar Wadhwa, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, Punjab.

MANISHA BATRA, J. (ORAL)

1. Through the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks anticipatory bail in case FIR No.280 dated 04.07.2021 registered under Sections 420, 465, 467, 468, 471, 120(B) of IPC, at Police Station Division 5, District Ludhiana, Punjab.
2. Vide order dated 23.05.2025 passed by this Court, the petitioner was released on interim bail and was directed to join investigation.
3. Learned State counsel filed status report dated 24.06.2025. The same is taken on record. She further, on instructions states that the petitioner has joined the investigation on 27.05.2025. It is, however, submitted that he has not co-operated with the Investigating Officer. His custodial interrogation is required. Therefore, it is urged that the petition does not deserve to be allowed.
4. The petitioner has joined the investigation on 27.05.2025. So far as the non recovery is concerned, mere non recovery cannot by itself be a



ground for denial of bail as has also been observed by the Delhi High Court in 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. With regard to contention that the petitioner has not cooperated with the investigation, it may be stated 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 pretrial incarceration of the petitioner is not required. The allegations that he had conspired with the co-accused in cheating the complainant is to be determined on the basis of evidence to be adduced during trial on thorough assessment of the evidence to be produced on record and not at this stage. As such, the present petition is allowed and the order dated 23.05.2025, granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) 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.

(MANISHA BATRA)
JUDGE

July 07, 2025

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |