

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

201

CRM-M-61755-2024

Date of decision: 28th May, 2025

Riyansh Garg

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sapan Dhir, Advocate for the petitioner.

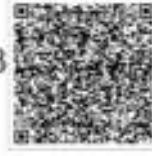
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 71 dated 06.03.2024 registered under Sections 407, 420 and 120-B of IPC at Police Station Sadar, Nuh, District Nuh.

2. Vide order dated 10.12.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. He had joined investigation in pursuance thereof. Then on 06.06.2025 and 08.04.2025 also, directions were given to the petitioner to join further investigation.

3. Status report has been filed. Learned State counsel has submitted that the petitioner has joined investigation. It is, however, further submitted that he has not co-operated with the investigation, since he has been giving evasive replies to most of the questions put to him. He has expressed ignorance about case property purchased by him, has not got recovered betel nuts nor the money



earned by him by sale thereof and has not co-operated with the investigating officer. It is stressed by him that the custodial interrogation of the petitioner is must for conducting thorough investigation in the matter and it is, therefore, argued that the petition does not deserve to be allowed.

4. The petitioner is alleged to have purchased stolen betel nuts amounting to Rs.64,83,750/- from the co-accused Hemant Dhakka, Farid @ Farid Ahmad and Ujjar @ Kanjha, the recovery of that betel nuts has not been affected. The petitioner has joined investigation thrice. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation and non-recovery justifying denial for 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. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 10.12.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

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

[MANISHA BATRA]
JUDGE

28th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*