

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:108282



209

CRM-M-33142-2025 (O&M)
Date of decision:18.08.2025

Santosh Devi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Arshdeep Kaur, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.25 dated 14.03.2025, registered under Sections 420, 120-B IPC, at Police Station Block Majri, District SAS Nagar.
2. Vide order dated 23.06.2025, passed by the Coordinate Bench of this Court, the petitioner was granted interim bail and was directed to join investigation.
3. Learned State counsel has submitted that offence under Sections 406, 408 IPC have been added during the course of investigation.
4. At this stage, on oral request of learned counsel for the petitioner, the aforementioned offences are ordered to be mentioned in the head-note as well as in the prayer clause of the petition. Registry to do the needful.

5. The petitioner has joined investigation on 05.07.2025. Though, it is submitted by learned State counsel that for effecting recovery of the money extracted by the complainant as well as for filing affidavit qua purchase of the house which is the subject matter of dispute, custodial interrogation of the petitioner is must and the petitioner has not cooperated in this regard, however, in the opinion of this Court, 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 co-operated 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.

6. Given the nature of the allegations, the pre-trial incarceration of the petitioner is not required. It is well settled that pre-trial incarceration cannot be replica of post sentence period. With these observations and in view of the above discussed facts, the petition is allowed and the order dated 23.06.2025, 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).

7. It is, however, clarified that the observations made hereinabove

shall not be construed as an expression of opinion on the merits of the case.

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

18.08.2025

harjeet

(MANISHA BATRA)
JUDGE

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