

(2026) 08 P&H CK 0457

In the Punjab And Haryana At Chandigarh

Case No : Criminal Misc. No. M-74044 of 2025 (O&M)

Bhagirath

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Bharatiya Nyaya Sanhita, 2023 — Section 351(2), 191(3), 190, 115, 190(1), 238(b), 117(2)

Arms Act, 1959 — Section 25

Citation : (2026) 08 P&H CK 0457

Hon'ble Judges : Surya Partap Singh, J.

Bench : Single Bench

Advocate : Mr. Deepinder Singh, Senior Advocate with Ms. Pallavi Babbar, Mr. Kushager Goyal and Mr. Dharamvir Singh, Advocates, for the petitioner(s). Mr. Ramender Singh Chauhan, Assistant Advocate General, Haryana, for the respondent. Dr. Pankaj Nanhera, Senior Advocate with Mr. Yogesh, Advocate for the complainant.

Final Decision : Anticipatory bail petition allowed; interim anticipatory bail made absolute

Judgement

Surya Partap Singh, J.

CRM-31546-2026

1. This is an application seeking for placing the affidavit of the petitioner, on record. For the reasons stated in the application, the same is hereby allowed and affidavit of the petitioner, annexed with the application, is hereby taken on record.

CRM-M-31546-202

2. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 130 dated 01.03.2025,

Police Station Suraj Kund, District Faridabad, Haryana, for the commission of offence punishable under Section(s) 351(2), 191(3), 190, 115 & 190(1) [Section(s) 238(b) & 117(2) were added later on] of 'the Bharatiya Nyaya Sanhita, 2023' and Section 25 of 'the Arms Act, 1959'.

3. Vide order dated 15.01.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

4. Heard.

5. It has been submitted by learned counsel for the petitioner that in compliance with order dated 15.01.2026, the petitioner has already joined the investigation, and that for further investigation his custodial interrogation is not required. In view of above, the learned counsel for the petitioner has requested that the order dated 15.01.2026 be made absolute.

6. The learned State counsel, on the instructions of 'ASI Navin Kumar', and the learned senior counsel for the complainant have controverted the above-mentioned arguments. It has been contended by the learned senior counsel for the complainant that although the petitioner has joined the investigation, but his attitude was non-cooperative, and that the questionnaire supplied to him was not answered in a proper manner. According to learned senior counsel for the complainant, in order to find out truth and to arrive at a right conclusion, custodial interrogation of the petitioner is necessary.

7. It has been further contended by the learned senior counsel for the complainant that the co-accused of the petitioner, namely 'Aman Awana, who has been afforded the benefit of regular bail, is misusing the above-mentioned concession, and that he is threatening the complainant and his family members. According to learned senior counsel for the complainant qua above-mentioned incident, another FIR has been lodged against 'Aman Awana'.

8. The record has been perused carefully.

9. In view of fact-situation of this case and the above mentioned arguments, in my opinion, following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has no criminal antecedents;
- ii) that the petitioner has already joined the investigation;
- iii) that the questionnaire supplied by the Investigating Officer has already been answered by the petitioner;
- iv) that as laid down by the Hon'ble Supreme Court of India in the case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026] the petitioner cannot be forced to assist the prosecuting

agency in effecting recovery of incriminating material, which may harm his own interests or may defeat his right of defence;

v) that as per law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Sharma v. State of Haryana' [Criminal Appeal No.767 of 2026, decided on 09.02.2026], collection of evidence is the responsibility of the Investigating Officer, and that an accused cannot be compelled to self-incriminate himself;

vi) that the contents of FIR show that the name of petitioner does not figure in the FIR;

vii) that it is an admitted fact that although the petitioner was present at the spot at the time of occurrence, but no active role was played by him in the incident of causing injuries to the complainant and his son. IN fact there is no allegation that the petitioner participated in the incident;

viii) that nothing incriminating has been recovered from the possession of petitioner;

ix) that custodial interrogation of the petitioner is not likely to produce a fruitful result;

x) that investigation and trial are not likely to be concluded in near future;

xi) that detention of petitioner in judicial lock-up is not likely to serve any purpose;

xii) that investigation and trial of the case are not likely to be concluded in near future;

xiii) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses;

xiv) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation; and

xv) that the second FIR is not against the petitioner.

10. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 15.01.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.