

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Sumeet Goel, J.)

PUSHWINDER KUMAR

Vs.

STATE OF HARYANA

Criminal Miscellaneous (M) No 36211 of 2026

Decided on : 03-08-2026

Criminal Law — Pre-Arrest Bail / Anticipatory Bail — Non-Co-operation / Custodial Interrogation — Sections 167, 420, 467, 468, 471, and 120-B of the Penal Code, 1860 — Section 482 of BNSS, 2023—Where the petitioner joined the investigation pursuant to interim protection but custodial interrogation was sought solely for the recovery of certain documents, absolute anticipatory bail was granted, subject to Section 482(2) BNSS conditions. The order shall be restricted to the specific FIR, reserving liberty for the State to seek cancellation upon breach of conditions. (Paras 3, 4, 5, 6)

JUDGMENT

Sumeet Goel, J. - Apprehending his arrest in FIR No.194 dated 30.12.2025, registered for offences punishable under Sections 167, 420, 467, 468, 471, 120-B of the IPC, 1860, at Police Station Shahzadpur, District Ambala; the petitioner has preferred this second petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. On 08.07.2026, the following order was passed:

"Apprehending his arrest in FIR No.194 dated 30.12.2025, registered for offences punishable under Sections 167, 420, 467, 468, 471, 120-B of the IPC, 1860, at Police Station Shahzadpur, District Ambala; the petitioner has preferred this second petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia contends that the petitioner is not specifically named into the IR in question, the prime suspect, i.e., Mr. Mahesh Kumar (Patwari), Mr. Sanjeev Kumar (Assistant in the office) and Mr. Vikas (Computer Operator) have been found to be innocent as of now, the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On the strength of advance service of copy of petition, Ms. Mahima Yashpal Singla, Senior DAG Haryana appears and accepts notice on behalf of the respondent - State of Haryana.

Put up on 03.08.2026.

The petitioner is directed to appear before the Investigating Officer on 13.07.2026 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023."

2.1. Thereafter, on 14.07.2026 the following order was passed:

"Notice of the application in hand be issued to the respondent - State of Haryana.

On the strength of advance service of copy of application; Mr. Gautam Kaile, DAG Haryana causes appearance and accepts notice on behalf of the respondent - State of Haryana.

Having heard learned counsel for the rival parties and upon perusal of the record; this Court deems it appropriate to disposed of the application in hand by directing the applicant-petitioner to now appear before the concerned Investigating Officer in the concerned Police Station on 20.07.2026 at 11:00 A.M. and join investigation and cooperate therein, in terms of the order dated 08.07.2026. Rest of the conditions in the order dated 08.07.2026 to remain unaltered."

3. Learned State counsel (on instructions from ASI Baljeet) has submitted that the petitioner has joined investigation but is not cooperating, inasmuch as certain documents are required to be recovered from him and, thus, his custodial interrogation is sought.

4. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined the investigation and his custodial interrogation being sought only for the recovery of certain documents, the petition is allowed and the order dated 08.07.2026 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed off.