

2025 LiveLaw (SC) 837

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
MANOJ MISRA; J., UJJAL BHUYAN; J.**

Criminal Appeal No. 3640/2025 @SLP (Crl) No. 9190/2025; August 20, 2025

JUGRAJ SINGH versus STATE OF PUNJAB

Criminal Procedure Code, 1973 (CrPC) - Section 439 - Anticipatory Bail - Interim protection made absolute - Supreme Court previously granted protection from arrest to the appellant, on condition that he join the investigation - State-respondent filed a counter affidavit, admitting that the appellant's implication was based on a confessional statement from a co-accused but alleging that appellant had not cooperated with investigation by claiming he threw his mobile phone into a river – Held, no grounds to support the allegations of non-cooperation, stating that merely because nothing incriminating was discovered does not mean the accused failed to cooperate - State's affidavit did not mention any efforts to trace the appellant's phone or collect call detail records - Appellant had been granted similar protection in a prior case, deemed it appropriate to make the interim anticipatory bail order absolute, subject to appellant cooperating with the investigation and furnishing bail bonds before Trial Court.

For Appellant(s): Ms. Kaveeta Wadia, Sr. Adv. Mr. Shashank Tripathi, AOR Mr. Anurag Bhardwaj, Adv. Ms. Chhavi Jain, Adv.

For Respondent(s): Mr. Vivek Jain, A.A.G. Mr. Karan Sharma, AOR

1. Leave granted.
2. We have heard learned counsel for the parties.
3. This appeal arises from an order dated 03.04.2025 passed by the High Court of Punjab and Haryana at Chandigarh rejecting the Anticipatory Bail prayer of the appellant in connection with FIR No. 06 of 2025, registered at Police Station Sadar Patti, District Tarn Taran.
4. The case of the appellant is that nothing incriminating was recovered from the appellant but he has been falsely implicated only on the basis of a disclosure statement made by co-accused who has suffered recovery. It is also the case of the appellant that earlier also, he was similarly implicated on the basis of a disclosure statement of a co-accused wherein he was granted the protection of Anticipatory Bail.
5. Having regard to the submissions made on behalf of the appellant, this Court granted interim protection *vide* order dated 23.06.2025, which reads thus:
 - "1. Heard the learned counsel for the petitioner.
 2. Petitioner has been roped in on the strength of disclosure statement made by the co-accused before the police.
 3. Issue notice, returnable on 05.08.2025.
 4. Liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent/State.
 5. In the meanwhile, petitioner shall not be arrested in connection with FIR No. 06 of 2025 registered at Police Station 1 Sadar Patti, District Tarn Taran, subject to his joining investigation as and when called upon to do so by the Investigating Officer."

6. Pursuant to the notice issued to the Respondent-State, a Counter Affidavit has been filed wherein it is not disputed that the implication of the appellant is on confessional statement made by co-accused Rashpal Singh. It is, however, stated that the appellant has not co-operated in the investigation as during questioning, he stated that he has thrown his mobile phone in the river.

7. It is not the case that the appellant did not join investigation. Merely because nothing incriminating could be discovered would not mean that there is non-co-operation on the part of accused. Otherwise also, in the Counter Affidavit, it is not stated that any effort was made to trace out the mobile number of the appellant and collect the call detail records or that any raid was carried to find out whether he is in possession of any incriminating material. In such circumstances, and having regard to the fact that earlier also the appellant was similarly made an accused and was accorded similar protection, we deem it appropriate to dispose of this appeal by making the interim order absolute subject to the following two conditions:

(A) The appellant shall co-operate in the investigation and make himself available for interrogation as and when required by the investigating agency; and

(B) He shall submit bail bonds to the satisfaction of the Trial Court concerned along with an undertaking that he shall not threaten the witnesses or tamper the evidence.

8. The appeal is disposed of in the above terms.

9. Pending application(s), if any, shall stand disposed of.

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