

[2026 LiveLaw \(SC\) 146](#)

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**ARAVIND KUMAR; J., PRASANNA B. VARALE; J.**  
**SLP(CRL.) NO.20 OF 2026; February 09, 2026**  
**SHALLY MAHANT @ SANDEEP *versus* STATE OF PUNJAB**

**Criminal Law – Anticipatory Bail – Non-Cooperation with Investigation – Scope of Section 438 CrPC / Section 482 BNSS – The Supreme Court held that the mere act of an accused not answering specific questions posed by the Investigating Officer (IO) does not automatically constitute "non-cooperation" with the investigation - Noted that if an accused has appeared before the IO pursuant to interim protection, the failure to provide specific answers is not a sufficient ground ipso facto to deny bail.**

**Anticipatory Bail – Grounds for Grant – Civil Dispute and Parity – In a case involving alleged trespass and theft under the Bharatiya Nyaya Sanhita, 2023, Supreme Court found the appellant entitled to anticipatory bail based on three key factors- i. The appellant appeared before the IO as directed by the interim protection order; ii. The nature of the dispute appears to be a civil matter regarding immovable property (possession based on an agreement to sell); iii. Other co-accused in the same FIR had already been granted bail, establishing a ground for parity – Appeal allowed.**

*[Paras 6, 7]*

[Arising out of impugned final judgment and order dated 08- 12-2025 in CRM-M No. 68778/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

*For Petitioner(s): Mr. Manav Bhalla, Adv. Mr. Tushar Bathija, Adv. Mr. Rupendra Chauhan, Adv. Ms. Aishwarya Singh, AOR*

*For Respondent(s): Mr. Siddhant Sharma, AOR Mr. Vikram Choudhary, Adv.*

**ORDER**

1. Heard.
2. Leave granted.
3. Appellant has been arraigned as an accused in FIR No.166 of 2025 for the offences punishable under Sections 329(1), 329(4), 62, 351(3), 305 and 190 of the Bharatiya Nayaya Sanhita, 2023 (BNS, 2023) alleging that he had, along with other co-accused, trespassed into the house of the complainant and committed theft of articles lying in the house. The house is said to be in possession of the complainant on the basis of an agreement to sell dated 06.08.2025.
4. The appellant has been unsuccessful before the trial court and the High Court. In other words, prayer for bail has been rejected. This Court while issuing notice on 08.01.2026 granted an interim protection namely from any coercive steps being taken against the appellant subject to the appellant cooperating with the investigation.
5. The learned counsel appearing for the State would fairly submit that appellant has appeared before the Investigating Officer (IO) though not fully cooperating with the investigation.
6. Not answering to the questions of the IO, would not *ipso facto* mean there is non-cooperation. Hence, we do not propose to go into that aspect and it would suffice to note that the appellant has appeared before the IO pursuant to the interim protection granted and there being a civil dispute between the parties with regard to immovable property and

also the fact that the other co-accused have been already granted bail, we are of the considered view that appellant is also entitled to be enlarged on anticipatory bail.

7. Accordingly, the appeal is allowed. Impugned order is set aside. Appellant is ordered to be released on anticipatory bail on such terms and conditions as the jurisdictional IO may deem fit to impose and also on the condition that the appellant would appear before the trial court on all dates of hearing except when exempted for any specific reason.

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

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