



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@SLP(CRL.) NO.20 OF 2026)

SHALLY MAHANT @ SANDEEP

.....

APPELLANT

VERSUS

STATE OF PUNJAB

.....

RESPONDENT

O R D E R

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, alongwith other co-accused, tresspassed 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.

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

New Delhi;
February 09, 2026.

ITEM NO.32

COURT NO.14

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 20/2026

[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]

SHALLY MAHANT @ SANDEEP

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

IA No. 1007/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 1008/2026 - EXEMPTION FROM FILING O.T.

Date : 09-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

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.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Appeal is allowed in terms of the Signed Order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)