

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1428/2018**

WASHID @ WASIF KHAN

..... Petitioner

Represented by: Mr.Navin Kumar Thakur and
Mr.Deepak Kumar, Advocates

versus

STATE

..... Respondent

Represented by: Mr.Ashok Kumar Garg, APP for the
State with Insp.Awata Singh, SHO,
Nand Nagri and SI Omveer Singh, PS
Nand Nagri

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.10.2018

%

By this petition, the petitioner seeks anticipatory bail in case FIR No.846/2016 under Sections 498A/406/34 IPC registered at PS Nand Nagri. A status report has been filed which indicates that since the petitioner did not join the investigation despite proper service of notice to the family members of the petitioner, non-bailable warrants were taken against the petitioner. On a query put by this Court as to whether the investigating officer took prior approval for arrest of the petitioner as the FIR was registered under Section 498A/406/34 IPC on the last date of hearing, learned APP fairly submitted that no approval of arrest was sought nor granted. A status report has been filed by the DCP concerned stating that

BAIL APPLN. 1428/2018

page 1 of 2

this was a serious lapse on the part of the investigating officer and lack of proper monitoring by the SHO concerned. This Court has today again asked the ACP and the SHO concerned whether approval for arrest of the petitioner has been sought and granted to which the answer is in the negative. In view of the approval of arrest having not been sought nor granted, the present petition is premature and is disposed of accordingly. It is, therefore, directed that in case any approval for arrest of the petitioner is sought and the same is granted, 7 days' notice prior to the arrest will be given to the petitioner.

Order dasti.

MUKTA GUPTA, J.

OCTOBER 04, 2018

mamta