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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1421/2020 & CrI.M.A.No.12349/2020**

GAGAN SAHNI

..... Petitioner

Through : Mr.Vijay Aggarwal, Mr.R.K.Gosai,
Mr.Shailesh Pandey, Ms.Barkha
Rastogi and Mr.Deepanshu Chaithani,
Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Ms.Richa Kapoor, ASC with
Ms.Shivani Sharma, Advocate for the
State.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

10.09.2020

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1. The hearing has been conducted through Video Conferencing.
2. This petition is filed challenging the notice reference no. NIL dated 03.09.2020. The learned counsel for the petitioner submits the notice does not disclose as to if the petitioner is being called at police station as a witness or as an accused. It is submitted the procedure for summoning the accused by the investigating officer is envisaged in the order dated 07.02.2018 in *Amandeep Singh Johar vs. State of NCT of Delhi & Anr.* in W.P(C) 7608/2017 in its paras 15 and 16.
3. The learned ASC for the State submits the notice actually was issued under Section 160 Cr.P.C. and not under Section 41A Cr.P.C. as the investigating officer desired certain information from the petitioner, though inadvertently, Section 160 Cr.P.C. was not mentioned on it.
4. It is submitted by the learned counsel for the petitioner that the

petitioner will be satisfied if in case of his arrest, he be given five days prior notice by the investigating officer.

5. In the circumstances, let the petitioner appear before the investigating officer on 11.09.2020 at about 11:00 AM and in case the investigating officer find any reason to arrest the petitioner, he shall give five days prior notice to the petitioner.

6. The petition stands disposed of in terms of the above. Pending application(s), if any, also stands disposed of.

YOGESH KHANNA, J.

SEPTEMBER 10, 2020

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