



CRM-M-20476-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20476-2024 (O&M)

Date of Decision: 27.05.2024

NAJDEEP KHAN

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hitesh Chopra, Advocate for the petitioner
(through Video Conferencing).

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

Ms. Arzoo Modi, Advocate
for complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.17 dated 14.08.2023 registered for offences punishable under Section 498-A of IPC (Section 506 of IPC added later on) at Police Station Women, District Malerkotla.

2. On 06.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No.17 dated 14.08.2023 registered for offences punishable under Sections 498-A of IPC (Section 506 of IPC added later on) at Police Station Women, District Malerkotla; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the genesis of the FIR in question is a result of matrimonial discord between the petitioner and the complainant wife; the petitioner is willing to return all the dowry articles/istridhan including gold articles; the petitioner is also willing for an amicable settlement; the petitioner is also willing to join investigation and cooperate therein in accordance with law & petitioner is also willing to surrender/deposit his licenced firearms before the concerned police station or before the authorized gun house. In order to buttress his argument, learned counsel for the petitioner has relied upon the dicta of judgments of Hon'ble

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Supreme Court in Arnesh Kumar vs. State of Bihar, 2014(8) SCC 273 and Mohd. Asfak Alam vs. State of Jharkhand and another, 2023 (8)SCC 632.

Put up on 21.05.2024.

The petitioner is directed to appear before the Investigating Officer on 09.05.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from SI Jagjit Singh, has stated that pursuant to the order dated 06.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned State counsel has further submitted that the petitioner has deposited his both firearms in a private gun house.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

5. In view of above, the petition is allowed and interim order dated 06.05.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other

sufficient cause.



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- 8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
- 9. Pending application(s), if any, shall also stand disposed off.

27.05.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No