

CRM-M-37010-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-37010-2023

Date of decision: 06.02.2024

Sabir Khan @ Savir Khan

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A.K. Garg, Advocate for the petitioner.
Mr. Hemant Aggarwal, AAG Punjab.
None for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.0012 dated 16.06.2023, under Sections 498-A IPC registered at Police Station Women Police Station, Malerkotla, District Malerkotla.

2. On 31.07.2023 the following order was passed:-

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and further that he is willing to settle the matter in any which way with the complainant i.e that he is open to rehabilitating or partying ways as suitable to the respondent. Learned counsel has further stated that there was a compromise with the complainant earlier before the Court of Additional Sessions Judge, Sangrur, which also finds mentioned in the impugned order dated 26.07.2023, that the petitioner will take the complainant back. However, his condition was that she would not use the phone as that was

the complaint the petitioner has against the complainant that she is always on the phone and, therefore, the complainant refused to go with him.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh, AAG Punjab accepts notice and on instructions from ASI Jagroop Singh states that the petitioner is still ready to rehabilitate the complainant or in the alternate to part ways amicably.

Let notice be issued to respondent No.2, returnable 10.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Amrik Singh, has stated that pursuant to the order dated 31.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the interim order dated 31.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read 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.
6. 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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7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 06, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No