



217(3) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-25446-2025 (O&M)

Date of Decision: 27.05.2025

SABAR KHAN

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No. 32 dated 01.04.2025 registered under Sections 126(2), 221, 226, 262, 132, 351(2), 190 & 121(1) of the Bhartiya Nyaya Sanhita, 2023 (for short 'BNS'), 2023, registered at Police Station Sandaur, District Malerkotla.

2. On 15.05.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.32 dated 01.04.2025 under Sections 126(2), 221, 226, 262, 132, 351(2), 190 & 121(1) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sandaur, District Malerkotla.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in FIR (supra), as complainant HC Kuljinder Singh is inimical towards the petitioner. Earlier, the complainant involved the petitioner in FIR No.22 dated 07.03.2025 under Sections 115(2), 118(1), 128(2), 351(2), 190, 191 of BNS, registered at Police Station Sandaur, District Malerkotla, in which the petitioner has been granted the

concession of ad interim anticipatory bail vide order dated 04.04.2025 passed in CRM-M-18804-2025 (Annexure P-2). Further, similarly situated co-accused of the petitioner, namely Sadhra Begum @ Bheelo, approached this Court by filing a petition i.e. CRM-M-24498-2025 seeking anticipatory bail and she has been granted ad interim anticipatory on 06.05.2025 (Annexure P-5) and concession of interim anticipatory has also been granted to one more co-accused, namely Nasreen Begum @ Gogi vide order dated 08.05.2025 passed in CRM-M-25140-2025. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 05 years and no notice under Section 35(3) of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been issued to the petitioner.

Notice of motion for 27.05.2025.

*To be listed along with **CRM-M-24498-2025**.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).*

If the Arresting Officer does not permit the petitioner to join the investigation, she would appear before learned Illaqa Magistrate, who would then

summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from ASI Jagar Singh, submits that in compliance of order dated 15.05.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 15.05.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./Section 482(2) of BNSS, 2023.

5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

27.05.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>