



217(7) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-26420-2025 (O&M)

Date of Decision: 27.05.2025

IKHLAK KHAN @ BAFFI KHAN AND ANOTHER ...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Grewal, Advocate
for the petitioners.

Mr. Sandeep Kumar,DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This second 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 14.05.2025, following order was passed:

"This second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.32 dated 01.04.2025 under Sections 126(2)/221/226/262/132/351(2)/190/121(1) of BNS registered at Police Station Sandaur, District Malerkotla (Annexure P-1). First petition was dismissed as withdrawn on 12.05.2025 and liberty was granted to file fresh petition with better particulars.

Learned counsel for the petitioners inter alia contends that similarly situated co-accused, namely, Nasreen Begum @ Gogi and Sadhra Begum @ Bheelo, have been granted the concession of ad interim anticipatory bail by this Court. He further submits that the petitioners have no connection with the accused in

FIR No.22 dated 07.03.2025 under Sections 115(2)/118(1)/126(2)/351(2)/190/191 of BNS registered at Police Station Sandaur. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 05 years and no notice under Section 35(3) of BNSS (earlier Section 41-A of Cr.P.C.) has been served upon the petitioners. The petitioners are having clean antecedents.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioners are directed to appear before the Investigating Officer within one week from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 27.05.2025.

To be heard along with CRM-M-24498-2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Jagar Singh, submits that in compliance of order dated 14.05.2025 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 14.05.2025, 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.

27.05.2025
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(HARPREET SINGH BRAR)
JUDGE

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