



CRM-M-37360-2025

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208 **IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CRM-M-37360-2025
Decided on: 21.11.2025

Rihan Khan

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Soeb Khan, Advocate (through VC)
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

Aaradhna Sawhney, J. (Oral)

By virtue of the present petition under Section 482 BNSS (erstwhile Section 482 Cr.PC, 1973), petitioner, who is an co-accused in case bearing FIR No.59 dated 16.06.2025 registered against him and offence under Section 318(4), 336(2), 336(3), 340(2) and 61(2) of BNS, 2023 Section 23 of Registration of Births and Deaths Act, 1969 and Section 66-D of IT Act, 2008 registered at Police Station Uttawar District Palwal, has prayed for grant of anticipatory bail.

2. Reply by way of an affidavit of Mohinder Singh, Deputy Superintendent of Police, Hathin filed on behalf of respondents No.1 to 4 in Court today, is taken on record subject to just exceptions. In para 4 (iv) thereto, the factum of petitioner having joined investigation is admitted. Investigating Officer of the case SI Fateh Singh is present in Court and states that petitioner is not needed for further investigation.

3. On 23.09.2025, following order was passed by this Court:-

“CRM-26975-2025*For the reasons mentioned in the application, the*



same is allowed, subject to all just exception.

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Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Falsity of the case set up by the prosecution is apparent from the fact that there has been unexplained delay of 03 days in lodging the FIR, further even if allegations as alleged are taken to be true at their face-value, no offence under Section 318 BNS is made out, for it has not been mentioned as to whom did the petitioner impersonate. Continuing further, learned counsel submits that all the offences in the FIR are punishable with imprisonment of less than 07 years, therefore, notice under Section 35 BNSS (earlier Section 41-A of Cr.P.C.) was required to be issued to the petitioner before joining the investigation.

*However, contrary to the directions of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar ((2014) 8 SCC 273)**, neither any notice was issued nor any justification has been given by the State.*

It is further the submission of learned counsel for the petitioner that the presence of the petitioner is not needed for custodial interrogation, as all documents/material are/is already in possession of the police authorities. Nonetheless, petitioner is ready and willing to join the investigation as and when called by the Investigating Officer.

On a query raised by this Court as to whether any notice was issued under Section 41-A Cr.P.C. was issued to the petitioner, no satisfactory reply was forthcoming.

Heard.

Notice of motion.

Mr. Vikram Singh, AAG, Haryana, accepts notice on behalf of respondent-State and has opposed the request



made by learned counsel for the petitioner. Learned State counsel seeks time to file status report in the matter.

Adjourned to 28.10.2025.

In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.”

4. Keeping in view the fact that petitioner has joined the investigation, interim bail granted vide order dated 23.09.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

5. The petition stands allowed.

21.11.2025
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(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No