



217(4) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-27068-2025 (O&M)

Date of Decision: 27.05.2025

KHALID KHAN @ MOTU 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 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 16.05.2025, 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 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.

*Keeping in view the ratio of 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@ Hussain Vs. State (NCT of Delhi) 2023 SCC Online 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 or arrest, the petitioners shall 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 petitioners to join the investigation, the petitioners would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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.

To be heard with CRM-M-26420-2025 fixed for 27.05.2025."

3. Learned State counsel on instructions from ASI Jagar Singh, submits that in compliance of order dated 16.05.2025 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 16.05.2025, 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>