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CRM-M-36083-2025

NARINDER SINGH KHATANA

V/S

STATE OF HARYANA AND OTHERS

CRM-M-36248-2025 (O&M)

BIREM SINGH

V/S

CENTRAL BUREAU OF INVESTIGATION AND ANOTHER

Present: Mr. Bipan Ghai, Sr. Advocate and
Mr. Vinod Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Arnav Ghai, Advocate
Mr. Akhil Godara, Advocate and
Mr. R.S. Bagga, Advocate
for the petitioners.

CRM-26186-2025

The instant application has been filed under Section 528 of BNSS for placing on record the copy of order dated 13.06.2025 and order dated 15.01.2021 as Annexures P-20 and P-21 respectively.

For the reasons mentioned in the application, the same is allowed, and Annexures P-20 and P-21 are taken on record.

CRM-M-36083-2025 and CRM-M-36248-2025

The instant petitions have been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the impugned order dated 13.06.2025 passed by learned Special Judicial Magistrate, CBI Haryana at Panchkula in case No.CHI/21/2021 arising from CBI case bearing RC No.08(s)/2017/SC-III/CBI/New Delhi dated 22.09.2017 (Annexure P-1), whereby cognizance has been taken by the learned Magistrate without there being sanction as required under Section 197 Cr.P.C.

Learned Senior counsel for the petitioner submits that the learned trial Court has committed a grave error in taking cognizance of the matter without adhering to mandatory requirement under Section 197 Cr.P.C.

Drawing the attention of this Court to the order dated 15.01.2021 (Annexure P-21), it is submitted that on an earlier occasion, the learned Special Judicial Magistrate had rightly declined to take cognizance against the petitioner owing to the absence of sanction under Section 197 Cr.P.C. However, despite no sanction being subsequently obtained and merely on the basis of an application moved by the complainant, the learned Special Court proceeded to take cognizance against the petitioner. This, it is contended amounts to a review of an earlier order dated 15.01.2021, which is impermissible in law and renders the impugned order illegal and unsustainable.

It has still further been submitted that the impugned order suffers from a patent irregularity, inasmuch as the allegations made against the petitioner and Assistant Commissioner of Police, Haryana Police Service, relate to acts done in discharge of official duties. Therefore, the petitioner is entitled to the protection afforded under Section 197 Cr.P.C., and cognizance could not have been taken in the absence of prior sanction.

Notice of motion.

On the asking of the Court, Mr. Karan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Prateek Gupta, Advocate accepts notice on behalf of the respondent-CBI. They pray for a short adjournment to file their replies.

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On their request, adjourned to 28.07.2025.

To be taken up at 2 p.m.

Photocopy of this order be placed on the file of the connected case.

July 14, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE