IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No. 29983 of 2018
Date of Decision: 18.7.2018

Suman Bala .....Petitioner

v.

The State of Punjab and others .....Respondents

CORAM HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Jigyasa Tanwar, Advocate, for the petitioner

RAJBIR SEHRAWAT, J.

The present petition is seeking fair investigation in the cases registered against the son of the petitioner from May 2018 till the filing of the present petition. The main grievance of the petitioner is that provisions of Sections 41 and 41A of the Cr.P.C., as interpreted by the Hon'ble Supreme Court in the cases of "**Lalita Kumari v. Government of UP, (2014) 2 SCC 1', Arnesh Kumar v. State of Bihar, 2014 (3) RCR (Criminal) 527'** and **'Dr. Rini Johar and another v. State of M.P. and others, 2016 (3) RCR (Criminal) 300'** are not being followed by the police in its letter and spirit.

Since Sections 41 and 41A are explicit provisions contained in the Code of Criminal Procedure, therefore, the police authorities have no business not to comply with these provisions. Additionally, the police authorities has the benefit of interpretation of these provisions as contained in the aforesaid cases

In view of the above, without commenting upon merits of the case, the present petition is disposed of with a direction to the police to comply with

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the provisions of Sections 41 and 41A of the Cr.P.C. in the cases relating to the petitioner's son.

(RAJBIR SEHRAWAT)
JUDGE

18.7.2018
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Speaking/Reasoned Yes/No
Reportable Yes/No

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