

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17234 of 2021

Date of Decision: 23.04.2021

Harmeet Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Armaan Gagneja, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 37 dated 10.3.2021, under Section 498-A IPC, registered at Police Station Sadar, District Faridkot.

From the facts, it is evident that the petitioner was issued notice under Section 41-A Cr.P.C. The same is reproduced below:

“41A. Notice of appearance before police officer.--
(1)The police officer shall], in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.

(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.

(4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice.”

From the perusal of the Section, it is evident that notice under Section 41-A Cr.P.C. is issued where arrest of the person is not required.

After arguing for some time and realising that only notice under Section 41-A Cr.P.C. was issued and instead of appearing, an application for anticipatory bail was moved.

Learned counsel for the petitioner seeks permission to withdraw the present petition at this stage with liberty to appear before the authorities in compliance with the notice issued.

Dismissed as withdrawn with liberty as prayed for.

[AVNEESH JHINGAN]
JUDGE

23rd April, 2021
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No