

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

CRM-M-22456-2022
Date of Decision:-01.06.2022

RAJINDER SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr Raman Chawla, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.197 dated 4.3.2022 registered under Sections 406, 420 IPC at Police Station Azad Nagar, District Hisar.

The State counsel has not disputed the fact that the aforesaid FIR has been registered under Sections 406 & 420 IPC and the maximum punishment provided for the said offences is not more than 7 years.

In view of the above, as per the law laid down by Hon'ble Apex Court in **Arnnesh Kumar vs. State of Bihar (2014) 8 SCC 273**, the police cannot arrest the petitioner without issuance of notice of appearance in terms of Section 41-A of Cr.P.C. Admittedly, as has been stated by counsel for the

petitioner, no such notice has been issued by the police to the petitioner till date.

Accordingly, the present petition is hereby disposed of as the police officials are having no jurisdiction to arrest the petitioner before serving him notice in terms of Section 41-A Cr.P.C. and in future if any notice is issued to the petitioner, he be given at least 7 days time to appear before the concerned police official.

01.06.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No