

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

CRA-S-1907 of 2022(O&M)

Date of Decision: 29.09.2022

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Harsh Aggarwal, Advocate
 For the petitioner.**

KARAMJIT SINGH, J.

The instant appeal has been filed by the appellant impugning the order dated 23.09.2022 passed by the Additional Sessions Judge, Sangrur vide which his application for grant of anticipatory bail in case having FIR No. 111 dated 13.09.2022 registered under Sections 323 read with Section 34 IPC and Sections 3/1(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Dirba, has been dismissed.

Counsel for the appellant submits that the punishment for the aforesaid offences is extendable upto 05 years but the investigating officer has not issued any notice to the petitioner under Section 41-A Cr.P.C. in compliance of the directions issued by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar 2014(8) SCC 273.**

Notice of motion.

Mr. C.L. Pawar, Additional Advocate General Punjab accepts notice on behalf of State and has not disputed the fact that in the present case no notice under Section 41-A Cr.P.C. has been issued to the appellant.

Admittedly, the offences involved in the present case are punishable upto five years of imprisonment. So, the ratio laid down in Arnesh Kumar case (supra) is applicable to the instant case. Admittedly, no notice under Section 41-A Cr.P.C. has been issued to the appellant by the investigating officer. In view of the above, the investigating officer is directed to issue 07 days clear notice to the appellant under Section 41-A Cr.P.C., before taking any coercive action against him.

Accordingly, the present petition is hereby disposed of with liberty to the appellant to approach this Court if the cause of action still survives.

29.09.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No