

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2296-2023 (O&M)

Date of decision : 17.1.2023

Harpreet Singh alias Happy

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.133 dated 6.9.2022 registered under Sections 454, 380 IPC (Section 411 IPC added later on) at Police Station Shri Hargobindpur, District Batala.

Counsel for the petitioner *inter alia* contends that as per allegations appearing in the FIR, two persons namely Sukhwinder Singh and Ravinder Singh were apprehended at the spot while they were committing theft in the house of the complainant and as per version of the police, said two persons disclosed that the petitioner was also accompanying them but he fled away from the spot on seeing the complainant who reached the spot. He further submits that the present case is covered by the judgment in **Arnesh Kumar v. State of Bihar**, (2014) 8 SCC 273 but till date, no notice has been issued by the police under Section 41-A of the Cr.P.C. and that the petitioner is ready to join the investigation.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Tarlok Singh submits that the petitioner has been named by co-accused Sukhwinder Singh and Ravinder Singh who were arrested at the spot while committing theft in the house of the complainant. However, State counsel has not disputed the fact that till date, no notice under Section 41-A of Cr.P.C. is issued to the petitioner before effecting his arrest.

In view of above, the present petition is hereby disposed of and in case, the police intends to arrest the petitioner, they should comply with guidelines provided in **Arnesh Kumar v. State of Bihar** (supra).

(KARAMJIT SINGH)
JUDGE

January 17, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No