

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

CRM-M-13581-2022

Date of decision: 31.01.2023

Ashwani Kumar

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.PC for issuance of a direction to respondents Nos.2 and 3 not to call the petitioner to the police station without issuance of summons as required under Section 160 Cr.PC or under Section 41-A Cr.PC and for issuance of a direction to respondent Nos.2 and 3, not to illegally harass, threaten the petitioner and not to issue threats to the petitioner for implicating in false serious cases and not to raid the house of the petitioner.

On issuance of the notice of motion, status report by way of affidavit of Jaspal Singh, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran, has been filed on behalf of respondent-State of Punjab.

The following averments have been made in para Nos.6 to 8:-

“6. That during the course of investigation, the regular raids are being conducted by the local police in order to apprehend the petitioner Ashwani Kumar as well as remaining co-accused persons at their houses and other suspicious places where they can hide themselves but they have intentionally hide themselves and could not be arrested despite of strenuous efforts made by the local police and the present case is at the stage of investigation and seeing no other alternative, the local police has initiated

proclamation proceedings against the petitioner Ashwani Kumar as well as remaining co-accused and the present case is at the stage of investigation and after completion of investigation, the final report under section 173 (2) of Cr.P.C will be presented before the learned Court of Illaqa Magistrate, Patti at the earliest.

7. *That during the course of investigation, the petitioner namely Ashwani Kumar moved his regular bail application before the learned Court of Sessions Judge, Tarn Taran but the same has been dismissed by the learned Court of Sessions Judge, Tarn Taran vide order dated 08.12.2022 and thereafter, the petitioner namely Ashwani Kumar moved his regular bail application before this Hon'ble Court vide CRM-M-58848 of 2022 but the same has also been dismissed by this Hon'ble Court vide order dated 16.12.2022.*

8. *That it is submitted that as far as the factum regarding issuing of notice under section 41-A of Cr.P.C. is concerned, it is submitted that the present case has been registered under section 420/461/468/471/120-B of IPC and the highest punishment in the present case is imprisonment of life or imprisonment for 10 years, as such, the question of issuing notice under section 41-A of Cr.P.C to the petitioner Ashwani Kumar or any other co-accused does not arise at all."*

In view of the above, no further orders are required to be passed in the present case and the same is disposed of accordingly.

31.01.2023

Parveen Kumar

**(NAMIT KUMAR)
JUDGE**

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