

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

**COCp-961-2022 (O&M)
Date of decision: 13.02.2023**

Joginder Singh Mattu

...Petitioner

Versus

Bhagwant Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- None for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition is pending since 2022 and despite taking a number of dates, no arguments have been addressed.

The petitioner alleges violation of the directions/guidelines issued by the Hon'ble Supreme Court in *Arnesh Kumar vs. State of Bihar & another, 2014 (8) SCC 73*.

The allegations are that the petitioner intended to open a gas agency in partnership with his wife and gave Rs. 10 lakh to one Romesh Singh, however, neither any gas agency was allotted nor the amount was returned. Later on, some compromise was effected between the parties but no payment was made. Thereafter, wife of the petitioner moved a complaint to the SHO, Police Station City-1, Moga but no action was taken. It is further stated that later on, FIR No. 139 dated 09.08.2016, under Section 420 IPC was registered at Police Station City-1, Moga against aforesaid Romesh Singh and a civil suit filed by the wife of the petitioner for recovery of the amount was decreed on 11.01.2019.

It is further stated that later on, said Romesh Singh got FIR

No. 34 dated 28.04.2017, under Sections 420, 120-B of the IPC registered at Police Station Khalra, District Tarn Taran with the allegations that the petitioner has played fraud with him. It is further stated that without following the procedure prescribed under Sections 41 and 41-B Cr.P.C., the petitioner was arrested.

Learned State counsel, on instructions from SI/SHO Charan Singh, submits that the Investigating Officer, who at the relevant time arrested the petitioner, i.e. respondent No. 1-Bhagwant Singh, had died one year ago and, therefore, the contempt proceedings may be dropped.

Learned State counsel further submits that there is no allegation in the contempt petition that respondent No. 2, who is Illaqua Magistrate, has acted in an illegal manner in violation of the directions issued in ***Arnesh Kumar's*** case (supra).

Learned State counsel has placed on record police zimini to submit that on two occasions, notices were given to the petitioner, 20.07.2017 and 20.08.2017, to join investigation, however, having failed to do so, the arrest of the petitioner was made, therefore, the proper procedure was followed.

In view of the above, no willful disobedience is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

13.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No