

248

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCF No.2761 of 2020 (O&M)

Date of decision: 18.01.2023

Mohit Mittal

....Petitioner

Versus

Wahida Hamid and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

There is no representation on behalf of the petitioner.

The petitioner alleges violation of the judgment/order dated 02.07.2014 of the Hon'ble Apex Court in Arnesh Kumar vs State of Bihar's case.

Reply by way of affidavit of the SHO, Women Police Station Panchkula, is on record and as per the affidavit, it is stated that the complainant Neha Gupta, wife of the petitioner has given a complaint to the Deputy Commissioner, Panchkula, and an enquiry was conducted by Women Police Station and after conducting the enquiry, the FIR No.79 dated 15.09.2020 under Sections 323, 406, 498-A, Women Police Station Panchkula was registered, after taking approval from the Assistant Commissioner of Police, Panchkula.

On 23.09.2021, all 05 accused were served with written notice under Section 41-A Cr.P.C. and were called upon to join the investigation but none of them came present. Thereafter, the accused Ramesh Chand Mittal, filed anticipatory bail before the Additional

Sessions Judge, Panchkula and thereafter on 04.10.2020, another notice under Section 41-A Cr.P.C. was served upon the petitioner. Upon which, the other accused also filed anticipatory bail application and the Additional Sessions Judge stayed the arrest of the parents and sisters of the petitioner and have joined the investigation and the interim order was confirmed by the Additional Sessions Judge on 19.10.2020. It is stated that since by giving a notice under Section 41-A Cr.P.C., a proper procedure was followed, there is no violation of the direction in Arnesh Kumar’s case (supra). It is also stated that the petitioner Mohit Mittal, husband of the complainant also filed anticipatory bail application but the same was declined and he was arrested on 22.10.2020. Again, it is submitted that even the petitioner was served with two notices, however, he did not comply with the same and after dismissal of the anticipatory bail application, his arrest was made.

In view of the above, no violation of the order is made out.
Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

18.01.2023
yakub

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