

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

**COC-2218-2022 (O&M)
Date of decision: 31.01.2023**

Arun Gupta @ Arun Goyal and ors.

... Petitioners

Vs.

Kuldeep Singh Chahal and ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arnav Kumar, Advocate
for the petitioners.

Mr. Arav Gupta, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioners allege violation of the direction issued by the Hon'ble Supreme Court in **Arvindh Kumar Vs. State of Bihar, 2014 (8) SCC 273**.

Brief facts of the case are that wife of petitioner No.2-Nishant Kumar got registered an FIR No.60 dated 01.07.2022 under Sections 406 & 498-A IPC, at Women Police Station Sector-17, Chandigarh.

Learned counsel for the petitioners submits that prior to registration of the FIR, anticipatory bail application was filed on behalf of petitioner No.2 Nishant Kumar, which was disposed of on 17.03.2022 with a direction that in the eventuality of registration of FIR, 07 days prior notice be

issued to him so that he can avail his legal remedy. The petitioners allege that before registration of the FIR, no notice was given to the petitioners.

This is toally a misinterpretation of the order dated 17.03.2022, as it was directed that after registration of the FIR, in the event of arrest, he will be given 07 days prior notice.

In the affidavit of SHO, Women Police Station Sector-17, Chandigarh, it is stated that before registration of the FIR, counselling of both the parties was done and thereafter, complaint was referred to another Investigating Officer. It is further stated that in compliance of the order dated 17.03.2022, a notice was issued to all the petitioners on 05.07.2022 under Section 41A Cr.P.C. and despite service of the notice, they did not join the investigation and after bringing this fact to notice of the concerned SHO, approval for arrest was taken from the higher police officers. Accordingly, by following a proper procedure, the petitioners were arrested and later on released on regular bail.

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

Dismissed.

31.01.2023
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No