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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9678-2023 (O & M)
Date of decision: 06.11.2023.

Ankit Singh Petitioner(s)
V/s
State of Punjab and ors. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jagandeep Singh, Advocate,
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab,
for respondent No.1.

Mr. Ravish Kaushik, Addl.A.G., Haryana,
for respondent No.2.

Ms.Simsi Dhir, Advocate,
for respondent No.3-U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus for directing the official respondents to give a notice under Section 41-A Cr.P.C. to the petitioner prior to registration of cases against him.

2. The learned counsel for the petitioner contends that the petitioner apprehends his arrest in other cases when he is granted bail in cases in which he is in custody, and therefore, a notice under Section 41-A Cr.P.C. is required to be served upon him before his arrest is sought.

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and another bearing Crl. Appeal No.1277 of 2014 and Special Leave Petition Criminal No.9127 of 2013).

3. The learned counsel for respondent No.3-U.T., Chandigarh, on the other hand, contends that the petitioner is already in custody and as many as 10 other cases are pending against him. The details of which are as under:-

Sr. No.	Details of Pending Cases
1.	FIR No.711 of 2020 under Sections 323/506/365/511 IPC, Police Station Assandh (HR.)
2.	FIR No.40 dated 08.06.2023 under Sections 420 IPC, Police Station Sector 49, Chandigarh
3.	FIR/NACT No.1549 of 2018 under Section 138 N.I. Act titled as Neeraj versus Ankit Singh
4.	FIR No.138 of 2018 under Sections 420/120-B/506 IPC, Police Station Sadar Tahneshar (HR.)
5.	FIR No.428 of 2017 under Sections 420/120-B/506 IPC, Police Station Sadar Tahenshar (HR.)
6.	CRA No.215 of 2023 under Section 374 Cr.P.C. cases titled ‘Ankit Singh V/s Mukesh Kumar
7.	NIA No.458 of 2019 under Section 138 N.I. Act case titled as Satish Kumar V/s Ankit Singh
8.	DDR No.36 dated 18.03.2023 under Sections 107/151 Cr.P.C. Police Station Sector 49, Chd.
9.	FIR No.594 of 2019 under Sections 323/498-A/506 IPC at Police Station Sadar Tahneshar (HR.)
10.	FIR No.159 of 2018 under Sections 420/406 IPC, Police Station Radaur (HR.)

4. She contends that a notice under Section 41-A Cr.P.C. need not to be served upon the petitioner because he is already in custody and would be taken on production warrants, if required in other cases. Further the petitioner cannot presuppose that his custody would only be required in a case where the punishment would only be upto 07 years. Even otherwise,

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since a notice under Section 41-A Cr.P.C. is to be given only where arrest is not required, an accused cannot claim as a matter of right the issuance of such prior notice as the investigating agency may actually wish to arrest the accused for proper investigation.

5. I have heard the learned counsel for the parties.
6. A perusal of the chart as aforesaid would show that the petitioner is an accused in multiple cases. He is already in custody in some cases. A bare reading of Section 41-A Cr.P.C. would show that the same would come into operation only when a person is not required to be arrested. However, the petitioner is already under arrest in some cases. Whether or not his arrest is required in other cases which have not been registered till date cannot be examined by this Court and therefore, no direction can be issued that a prior notice under Section 41-A Cr.P.C. is to be given to the petitioner before the registration of any case against him.
7. In view of the above, the present petition is dismissed.

November 06, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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