

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

**COCP-2578-2022 (O&M)
Date of decision: 08.02.2023**

Court on its own motion

...Petitioner

Versus

Sombir

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Yadav, Advocate
for the respondent.

Ms. Rajni Gupta, Addl. A. G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The Civil Judge (Jr. Divn.)-cum-JMIC, Bahadurgarh has sent the present reference for initiating contempt proceedings against respondent Sombir, SI, posted at Police Station Linepur, Bahadurgarh, District Jhajjar for violating the directions issued by the Hon'ble Supreme Court in the judgment rendered *Arnesh Kumar vs. State of Bihar & another, 2014 (8) SCC 73*.

In the reference order, it is stated that the procedure prescribed under Sections 41 and 41-B of the Cr.P.C. was not followed by the respondent, while arresting accused in FIR No. 294 dated 10.10.2022, registered under Sections 336, 342 and 420 of the IPC and Sections 107, 108 and 109 of the Mental Health Care Act, 2017.

Accused Jagbir @ Kala was arrested in the said case, vide arrest memo dated 10.10.2022 and was granted bail, vide order dated 11.10.2022, however, at the time of granting bail to the accused, a reference has been made to this Court that the directions issued in *Arnesh Kumar's*

case (supra) were not followed by the Investigating Officer.

Reply, filed on behalf of the respondent/contemner, is taken on record. In reply, it is submitted that the FIR was registered on a complaint given by Chief Minister's Flying Squad that a person is running a De-addiction and Rehabilitation Centre without licence and has kept 14 persons in a dark room, without their and their family's consent. On this, the aforesaid FIR was registered and a team comprising a Medical Officer, Civil Hospital and others visited the the premises of the accused and found that he is running a De-addiction and Rehabilitation Centre without any licence and has kept 14 persons in a dark room without their and their family's consent.

Learned counsel for the respondent submits that thereafter, a notice under Section 41-B Cr.P.C. was prepared, in which an opinion was formed that the arrest of the petitioner was necessary as 14 persons, who were kept in a dark room in an illegal manner, were to be released and thereafter, the arrest was made. It is also stated that the immediate action was taken by the police and the arrest memo was prepared on the same date i.e. 10.10.2022 and information was given to the relatives of the accused and all the 14 persons were rescued and their custody was handed over to their family.

Learned State counsel, at this stage, has referred to the reference order, wherein it is mentioned that accused Jagbir @ Kala has kept aforesaid persons in custody by taking money from their family members.

Be whatsoever, after hearing learned counsel for the respondent and going through the reply, no case of disobedience of the directions given

by the Hon'ble Supreme Court in *Arnesh Kumar's* case (supra) is made out against the respondent.

Accordingly, the present petition is dismissed.

Rule stands discharged.

08.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No