



103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 52900 of 2024
Date of Decision: 23.10.2024

Kamaluddin Khan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Zaheid F. Chauhan, Advocate
Ms. Nita Parween, Advocate and
Mr. Nitin Kaushal, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
514	22.08.2024	Hansi City, Haryana	406, 420 IPC

Seeking anticipatory bail in the FIR captioned above, the petitioner has come up before this Court under Section 438 CrPC.

2. State counsel submits that the petitioner has been arrested rendering the present petition as infructuous.
3. Counsel for the petitioner submits that although he was served notice under Section 41-A CrPC and there was no necessity of arrest in view of ratio of judgment of Hon'ble Supreme Court in Arnesh Kumar v/s State of Bihar, (2014) 8 SCC 273, but his arrest is made in gross violation of the fundamental rights and as such he would be given liberty to challenge his arrest as illegal.
4. Challenge to the violation of fundamental rights need no liberty from the Court. Petition stands disposed of as infructuous. All pending applications, if any also stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.10.2024

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.