



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

118

CRM-M-9809-2024(O&M)
Date of Decision : **March 20, 2025**

EPAY INFOSERVE PRIVATE LIMITED

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Vinod Ghai, Sr. Advocate assisted by
Mr. Arnav Ghai, Advocate and Ms. Kashish Sahni, Advocate
for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

Mr. Ghai, learned Senior Advocate for the petitioner has confined his prayer under Section 482 of BNSS for issuance of directions to the official respondents for serving a 7 days notice to the petitioner before seeking arrest in the FIRs mentioned in the head note of the petition as well as FIRs registered subsequently in pursuance to letter dated 5.8.2022 (Annexure P-31).

2. Though during the course of proceedings, various replies came to be filed by the State of Haryana, firstly dated 17.4.2024 by way of affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police, Crime, Panipat and thereafter another affidavit dated 10.7.2024 of the same Officer of which para No.5 has been referred to by the learned State counsel, which reads as under:-

“That on the basis of evidences available on file, agreement and legal opinion, no cognizance offence was found to have been made out in this case and hence cancellation report was prepared in all the ten cases relating to District Panipat on 27.6.2024.”

3. Learned Senior counsel in response to the said paragraph submits that the statement of Sandeep Kumar, HPS, Deputy Superintendent of Police, HQ, Panipat is limited only to ten FIRs, whereas in total 64 FIRs have come to be lodged, as has been mentioned in the prayer clause as well as some of the FIRs stands registered after letter dated 5.8.2022 (Annexure P-31).

4. Today, another status report has been filed in the form of affidavit of Anirudh Chauhan, HPS, Asstt. Commissioner of Police, Sahlawas, District Jhajjar dated 19.3.2025, wherein paras No.7 and 8 record as under:-

“7. That during the course of investigation, a legal opinion from Deputy District Attorney was sought in the matter wherein it was opined that as the dispute between UHBVNL and the present petitioner are arising out of contract agreement dated 06.01.2018 and hence are exclusively under the jurisdiction of the Panchkula, Haryana and further no cognizance offence is made out as per complaint.

8. That on the basis of the legal opinion of DDA, Jhajjar the present FIR was recommended for cancellation on 19.12.2024 but the cancelation report has not been submitted before the Court of Ld. Area Magistrate, Jhajjar.”

5. At this stage, the learned State counsel has filed reply by way of affidavit of Nayab Singh, HPS, Deputy Superintendent of Police, HQ, Karnal

dated 14.10.2024, another affidavit of Mukesh Kumar, HPS, Deputy Superintendent of Police, Naraingarh, District Ambala dated 14.10.2024 and Rajpal, HPS, Asstt. Commissioner of Police, Crime, Sonipat dated 19.3.2025, which makes it total of 10 FIRs at Karnal, 1 at Jhajjar, 1 at Ambala, 8 at Kaithal, 10 in Panipat and 5 in Sonipat almost on the same set of allegations, which would raise identical question of law as highlighted in the instant petition on behalf of the petitioner.

6. The learned State counsel when put to a question as to in which case the petitioner's arrest/custodial interrogation is required, he would fairly and candidly submits that at present there is no such instruction to seek the custodial interrogation of the petitioner and further undertakes that in case the custodial interrogation is required, strict compliance of Section 41A Cr.P.C. would be made.

7. However, on the cost of brevity and despite an undertaking given by the learned State counsel, this Court makes it further clear that no arrest should be effected in these 64 FIRs without serving 7 days' advance notice giving reasons therein *qua* the arrest.

8. Having left with no grievance, at this stage, the learned Sr. Counsel for the petitioner do not press the instant petition any further.

9. Disposed of in the above terms.

(SANDEEP MOUDGIL)
JUDGE

March 20, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No