



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

COCP-1265-2021

Date of Decision:11.08.2025

SATWANT SINGH

...Petitioner

Vs.

FAUZI RAM

...Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

NIDHI GUPTA, J. (Oral)

1. The present contempt petition has been filed under Section 10 read with Section 12 of Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, on account of violation of the directions passed by the Hon'ble Division Bench in CWP-PIL No.77 of 2021 vide order dated 28.04.2021, Annexure P-1, in which it was held that unless there is necessity of arrest for maintenance of law and order or any other emergent case, in a cognizable offence prescribing sentence up to seven years imprisonment, the police shall desist from arresting the accused (daughter of the present petitioner) up to 30th of June, 2021, without complying the provision of Section 41-A Cr.P.C.

2. It has been *inter alia* submitted by learned counsel for the petitioner that the directions issued by the Division Bench of this Court vide order dated 28.04.2021 in *CWP-PIL-77-2021* titled "*Court on its own motion Vs. Union of India and others*", is to the following effect:

“(viii). that unless there is necessity of arrest for



maintenance of law and order or any other emergent case, in a cognizable offence prescribing sentence up to seven years imprisonment, the police shall desist from arresting the accused up to 30th of June, 2021, without complying with the provision of Section 41A. Cr.P.C. This however may not be understood as an interdict on the power of the police to arrest, but should only be considered a mere advisory in the face of the ongoing crisis following second wave of Coronavirus”.

3. Learned counsel for the petitioner submits that despite the above order, the daughter of the petitioner was arrested on 03.06.2021.

4. Learned counsel for the respondent controverts assertion of the petitioner and refers to para 6(v) of the reply dated 14.09.2022 filed by way of affidavit of Inspector, Station House Officer, Police Station NRI, District Moga wherein it is averred that the accused was arrested in view of the following facts:

“6(v) *That the respondent had duly entered this fact in the General Diary of Police Station NRI WING Moga vide DDR No.15 dated 03.06.2021 whereby the arrest of the accused Gursharn Kaur deemed necessary because she refused to cooperate with the investigating agency. She along with other accused has cheated the complainant of Rs.20-22,00,000/- Lakhs and her conduct was indicative of her intend to evade further investigation in the given case wherein recovery of huge amount was yet to be made. The true translated copy of DDR No.15 dated 03.06.2021 Police Station NRI Moga is annexed ANNEXURE R2. Here, it would be apt to point out that the transfer of amount by the complainant as well as his family members have been established with proper evidence in the preliminary enquiry, before registration of FIR.*”

5. It is further pointed out that the after the arrest of the accused, a habeas corpus petition bearing bearing CRWP-5172-2021 titled as “*Satwant Singh Vs. State of Punjab and others*” was filed by the petitioner (father of accused Gursharan Kaur) which was dismissed as having been withdrawn



vide order dated 08.07.2021, wherein it is recorded as follows:

“As per the said report, the alleged detenue had been arrested on 03.06.2021 in connection with FIR bearing No.0006 dated 19.05.2021 registered at Police Station NRI Moga under Sections 420 and 120-B IPC and was lodged in the jail at Sri Muktsar Sahib.

At this stage, learned counsel for the petitioner seeks permission to withdraw the instant petition while submitting that in view of this report, this petition has become infructuous.”

6. Learned counsel for the respondent further submits that moreover, vide order dated 28.04.2021, only an advisory had been issued by the Court to avoid arrest of the accused in view of the ongoing pandemic COVID-19, without interdicting the power of the Police to arrest.

7. Heard.

8. In view of undisputed facts noted above, no further order is required to be passed.

9. The present petition is accordingly disposed of.

10. Rule stands discharged.

11. Pending applications, if any, stands disposed of.

(NIDHI GUPTA)
JUDGE

11.08.2025

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