



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

COCP-1182-2021 (O&M)
Date of Decision: 23.04.2026

LUXMI DEVI AND ANOTHER

.....Petitioners

Vs.

RAKESH AGGARWAL AND ORS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashdeep Singh, Advocate
for the petitioners.

Mr. Ravneet S. Joshi, DAG, Punjab
for the respondents

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 28.04.2021 passed by this Court in CWP-PIL-77-2021, on the ground that no notice under Section 41A Cr.P.C. was given to the petitioners.
2. Learned counsel for the petitioners contends that notice under Section 41A was issued but the respondents did not let the petitioners join investigation.
3. Learned counsel for the respondents contends that in compliance of order dated 28.04.2021, affidavit of Mr. Neeraj Chaudhary, Sub Inspector, the then SHO, Police Station Haibowal, Ludhiana, now posted as SHO, P.S. Division No.5, Ludhiana, dated 11.12.2023, has been filed. The same is taken on the record. Relevant portion of the same is reproduced as under:-



“3. That in compliance to the above noted order of this Hon'ble Court, it is respectfully submitted that in the present petition, the petitioners have alleged that the order dated 28.04.2021 passed in CWP-PIL No.77 of 2021 has been violated by the police while arresting the petitioners in case FIR No.322 dated 21.12.2020, u/s 325, 323, 506, 34 IPC, P.S. Haibowal, Ludhiana. All these allegations are wrong and baseless. In fact, the said order of this Hon'ble Court has not been violated at all and the petitioners are misinterpreting the said order which was passed in a Public Interest Litigation and was in fact an Advisory. The relevant portion of the said order is reproduced below:-

"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 waive of Coronavirus".

4. That the brief facts of the case are that on the statement of respondent no.4, the above noted FIR was registered against the petitioners. As the maximum punishment prescribed u/s 325 IPC is upto 7 years, ***therefore Notice u/s 41 (1) Cr.P.C. was issued to the petitioners on 16.01.2021 by respondent no.3 but in spite of that the petitioners did not join the investigation.***



Then another Notice u/s 41 (1) was issued to the petitioners on 07.03.2021 to join the investigation but the petitioners refused to receive the said notice and rather than joining the investigation, the petitioners filed an Application on 29.04.2021 (Annexure P-4) before the Ld. Area Magistrate levelling false allegations that the Investigating Officer is harassing them and for direction to the SHO to accept the Bail Bonds and Surety Bonds of the petitioners.

Then ultimately on 13.05.2021 the petitioners were joined in the investigation and thereafter they were immediately relieved. However, the weapon of offence i.e. iron rod used by the petitioners in the crime was not got recovered by the petitioners and therefore offence u/s 201 IPC has also been added in the said FIR.

5. *That thus, from the above, it is clear that Notices u/s 41(i) Cr.P.C. was duly given to the petitioners on 16.01.2021 and 07.03.2021 to join the investigation but they did not join the investigation and even they refused to receive the second Notice and ultimately on 13.05.2021 the petitioners were joined in the investigation as mentioned above.*

6. *That moreover the petitioners are not entitled to invoke the contempt jurisdiction of this Hon'ble Court by way of filing the present contempt petition. Infact, the said order dated 28.04.2021 was passed by this Hon'ble Court in the form of an Advisory in all the common issues and not in any particular case or in the case of the petitioners. Therefore the petitioners are not entitled to invoke the contempt jurisdiction of this Hon'ble Court by way of filing the present contempt petition."*



4. A perusal of the above shows that no contempt is made out.
5. This Court was going to impose cost of ₹10,000/- upon the petitioners but learned counsel for the petitioners requested to waive off the same on the ground that petitioners are labourers. Hence, on request, the costs is waived off.
6. Accordingly the present contempt petition is **dismissed**.
7. Pending miscellaneous applications, if any, are also disposed of.

23.04.2026

P. Seth

(SUDEEPTI SHARMA)**JUDGE**

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No