Sl. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL/2353/2026 Ramesh Singh Chauhan And Ors --Petitioners **Versus** State Of Uttarakhand & others --Respondents **Hon'blePankaj Purohit,J.** Mr. Rajat Mittal, learned counsel for the petitioners. 2. Mr. Tumul K. Nainwal, learned AGA for the State. 3. Mr. Nalin Saun, learned counsel for respondent no.3. 4. Petitioners have put to challenge the FIR No.0033 of 2026 dated 19.11.2026, under Sections 115(2), 351(2), 69 & 79 of BNS, 2023, registered with Police Station Kalsi, District Dehradun. 5. It is informed by learned counsel for the petitioners that, during the investigation, Sections 352 and 74 of the BNS, 2023, have been added. The remand has not been taken under Section 79 BNS, 2023 against petitioners. 6. It is contended by learned counsel for petitioners that the main accused, namely, Anand Chauhan, has already been arrested and is in custody. So far as allegations against petitioners are concerned, the same are general in nature. Therefore, all the offences alleged against the petitioners carry a maximum punishment of less than seven years. 7. Learned counsel for petitioners has limited his argument to the extent that the investigating agency may be directed to comply with the guidelines given in *Arnesh Kumar Vs. State of Bihar and Another* reported in (2014) 8

SCC 273.

8. Since the offences punishable under the aforesaid sections carry a punishment maximum up to seven years, therefore, before resorting to any arrest, prior notice under Section 35(3) of the B.N.S.S., 2023 (under Section 41A of Cr.P.C.) is necessary to be issued to petitioners. Hence, it is provided that before taking any coercive measures against petitioners, the Investigating Officer shall abide by the procedure given under Section 35(3) of the BNSS Act, 2023 (under Section 41A of Cr.P.C.). It is also directed that petitioners shall cooperate with the investigating agency.

9. The criminal writ petition is, accordingly, disposed of.

10. Pending application, if any, also stands disposed of.

(Pankaj Purohit, J.)
25.11.2026

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AVNEET KAUR