



COCP-2132-2022

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

**COCP-2132-2022 (O&M)
Date of decision: 12.01.2023**

Vijay Pal Yadav**...Petitioner**

Versus

Mamta Singh and others**...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. P. K. Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CM-593-CII-203

Allowed as prayed for.

Documents are taken on record as Annexures P-11 to P-17.

Main case

The petitioner alleges the disobedience and violation of the directions given by Hon'ble Supreme Court in the case of *Arnesh Kumar vs. State of Bihar & another, 2014 (8) SCC 73*.

Learned counsel for the petitioner submits that the FIR No. 178 dated 13.04.2022, under Sections 185, 189 and 353 of the IPC was registered against the petitioner and without following the guidelines/directions given by Hon'ble Supreme Court in aforesaid case that a notice under Section 41 Cr.P.C. should be given, the petitioner was arrested.

Reply, filed by way of the affidavit of the Superintendent of Police, Jhajjar, is on record, according to which, after registration of the



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FIR, the investigation was given to respondent No. 4 i.e. ASI Pritam Singh, who had served a notice under Section 41-(1) Cr.P.C. to the petitioner and when the petitioner refused to sign the same and did not cooperate in the investigation, he was arrested and produced before the Magistrate in accordance with law and subsequently, on completion of the investigation, a report under Section 173(2) Cr.P.C. was presented against the petitioner.

In view the same, the present petition is dismissed as no contempt is made out.

Rule stands discharged.

Since the main petition stands dismissed, the civil miscellaneous application i.e. CM-594-CII-2023 shall also be treated as dismissed.

12.01.2023*Waseem Ansari***(ARVIND SINGH SANGWAN)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*