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COCP-4090-2025 (O&M)

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-4090-2025 (O&M)
Date of decision : 22.04.2026

Karan Arora

..... Petitioner

Versus

Inspector Harshvir Singh & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. C.S.Bakshi, Advocate
(Through video conferencing)
and Ms. Mallika, Advocate
Mr. Aryan Sharma, Advocate
and Mr. Gurjeet Singh Saini, Advocate
for the petitioner.

Mr. H.P.S.Ishar, Addl. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 By way of present petition the petitioner alleges willful disobedience of the directions issued by Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar & anr., (2014) 8 SCC 273.***

2 Petitioner is aggrieved of his arrest in FIR Nos.32 and No.33 dated 13.04.2025 without service of notice as contemplated under Section 35(3) of BNSS, 2023 being against the mandate of ***Arnesh Kumar's case (supra).***

3 Learned counsel for the petitioner has drawn attention of this Court to bail orders dated 16.04.2025 passed by Additional Sessions Judge, Ludhiana in FIR No.32 dated 13.04.2025 and FIR No.33 dated 13.04.2025 to submit that the Investigating Officer from same police station suffered



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statement before the Additional Sessions Judge that the custodial interrogation of the petitioner is complete and he is no more required for further investigation and on the same day i.e. on 16.05.2025 records a statement spelling out the reasons for arresting the petitioner in FIR No.32 dated 13.04.2025 and FIR No.33 dated 13.04.2025. He submits that no notice under Section 35(3) of BNSS, 2023 was served upon the petitioner prior to his arrest.

4 As per the compliance report filed by respondent No.1, the stand of respondent No.1 reads as under :-

8. That another complaint bearing PGD No. 546466, Complaint No. 547204 dated 10.03.2025, was submitted by the complainant, namely Roop Lal Jain, to the Commissioner of Police, Ludhiana. Pursuant thereto, FIR No. 32 dated 13.04.2025 under Section 420 IPC, Police Station PAU, Ludhiana, was registered against the petitioner. After registration of the said FIR, ASI Ravinder Singh visited the house of the petitioner on 14.04.2025 to serve notice under Section 25(3)(b) BNS, 2023, but the house was found locked. The Investigation Officer thereafter attempted to contact the petitioner on his mobile phone, which was found switched off. Again, on 15.04.2025, ASI Ravinder Singh visited the petitioner's residence but it was once again locked. On 16.04.2025, the Investigation Officer made another attempt, but the petitioner's house was still locked. In the meantime, a secret informer disclosed that the petitioner had absconded to another State and was planning to go abroad permanently. The informer further revealed that the petitioner was returning from Delhi in his car bearing registration No. T-0724-CH-5371B and could be apprehended if a naka was held at Sherpur Chowk. Acting upon this information, a naka was laid near Apollo Hospital, Sherpur Chowk, and vehicles were being checked. During the naka, the aforesaid car arrived from the Delhi side; however, on noticing the police party, the driver attempted to



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turn back but was apprehended with the help of police officials. Upon being questioned, the driver disclosed his identity as Karan Arora, the petitioner. The Investigation Officer apprised the petitioner about the facts of the FIR and attempted to serve the notice under Section 25(3) (b) BNS, 2023, but the petitioner refused to sign. He was also offered an opportunity to inform his relatives or family members regarding his arrest, which he declined. Thereafter, the petitioner was arrested on 16.04.2025 and produced before the learned Magistrate on 17.04.2025, where he was remanded to one-day police custody. During remand, he did not cooperate with the investigation and was again produced before the Court on 18.04.2025, when he was remanded judicial custody. Subsequently, the petitioner was granted regular bail on to of investigation, 19.04.2025. After completion challan/final report was filed against the petitioner on 30.04.2025, and the matter is now fixed for 17.12.2025 for consideration on charge.

9. That another complaint bearing PGD No. 560609, Complaint No. 561233 dated 27.03.2025, was lodged by the complainant, namely Sudhir Chopra, against the petitioner, which culminated in the registration of FIR No. 33 dated 13.04.2025 under Sections 420 and 120-B IPC at Police Station PAU, Ludhiana. In connection with the said FIR, ASI Ravinder Singh visited the residence of the petitioner on 14.04.2025 to serve notice, but the NOTAR was found locked. The Investigation Officer also house was tempted to contact the petitioner on his mobile phone, to 1158 which was found switched off. On 15.04.2025, the Investigation Officer again visited the house of the petitioner, but it was again locked. Since the petitioner had already been arrested in FIR No. 32 dated 13.04.2025 under Section 420 IPC, Police Station PAU, Ludhiana, he was also arrested in the present FIR No. 33. However, the petitioner was granted regular bail on 19.04.2025. After completion of investigation, challan/final report was filed against the petitioner on 30.04.2025, and the matter is now fixed for 17.12.2025 for consideration on charge. Copies of Notices U/s 35(3) BNSS dated 14.04.2025, 15.04.2025, 16.04.2025

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and Zimni No. 2 & Zimni No.4 are attached herewith as Annexure R-1 to R-5 respectively.

10. That another Complaint bearing PGD No. 546688 Complaint No. 547500 dated 10.03.2025 was made by the complainant namely Prabhdeep Singh Benipal to Commissioner of Police, Ludhiana which was sent to the ADCP, Operation, Ludhiana. The ADCP, Operation, Ludhiana conducted Inquiry and after enquiry, the report was approved by the Commissioner of Police, Ludhiana, accordingly, FIR No.34 dated 16.04.2025, U/s 316(2), 318(4) BNS,2023, Police Station PAU, Ludhiana has been registered against the petitioner. After registration of NOT arrested on 03.05.2025. The FIR, the petitioner Rajesh petitioner applied for regular bail before the Id. Trial Court and he was granted regular bail vide order dated 13.05.2025. After completion of investigation, Challan/Final Report has already been filed against the petitioner on 14.05.2025 and now the case is pending before the Ld. Trial Court on 17.12.2025 for consideration on charge.”

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 In the considered opinion of this Court, the order dated 16.04.2025, whereby the petitioner was directed to be admitted to pre-arrest bail, does not help the cause of the petitioner. Bare perusal thereof would reveal that the petitioner joined investigation on 11.04.2025 in separate FIR. The statement was suffered by I.O. in those FIRs to the effect that the custodial interrogation of the applicant is complete and is no more required. Thereafter, the police authorities in annexure P-4, P-4A and P-5 recorded the reasons that necessitated arrest of the petitioner in FIR No.32 dated and FIR No.33 of even date 13.04.2025. The notices issued under Section 35(3) of



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BNNS dated 14.04.2025, 15.04.2025 & 16.04.2025 have been placed on record. The concerned officer on affidavit has stated that the petitioner refused to acknowledge the same and signed the counterpart.

7 In these circumstances, this Court does not find that the respondents can be held guilty of having willfully disobeyed the mandate of Supreme Court in *Arnesh Kumar's case (supra)*.

8 Finding no merits in the present petition, the same is ordered to be dismissed.

22.04.2026

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No