

204 COCP-4146-2025 (O&M), COCP-4522-2025 (O&M)
COCP-4787-2024 (O&M), COCP-6263-2025 (O&M)
COCP-598-2023 (O&M), COCP-256-2026 (O&M),
COCP No. 3350-2024 and COCP No. 3337-2026 (O&M)

SANDEEP KUMAR

VS.

PANKAJ NAIN, IPS AND ORS

Present : Mr. Kanwal Goyal, Advocate
Ms. Shruti Jain Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for the petitioner(s) (in COCP-598-2023).
Mr. Amit Gupta, Advocate,
for the petitioner (in COCP-4146-2025).
Mr. Ankit Chahal, Advocate
for the petitioner (in COCP-4787-2024 & 4522-2025).
Mr. A.S.Manaise, Advocate,
for the petitioner. (in COCP-6263-2025).
Mr. Sarabjot Singh Cheema, Advocate
Mr. Harshdeep Singh, Advocate
for Mr. Hitesh Verma, Advocate
for the petitioner (in COCP-256-2026).
Mr. Jasraj Singh, Advocate (Through VC)
for the petitioner in COCP No. 3350-2024 & COCP-3337-2026.

Mr. Ankur Mittal, Sr. Advocate, as Amicus Curiae assisted by
Mr. Lalit Singla, Advocate,
Mr. Shivendra Swaroop, Advocate,
Ms. Kushaldeep Kaur, Advocate,
Ms. Ashna Singh, Advocate
Ms. Varsha Sharma, Advocate
Ms. Sharvi Dadhwal, Advocate
Mr. Abhinav Chaudhary, Advocate

Mr. Ravneet S. Joshi, DAG, Punjab, and
for the respondents (in COCP-598-2023),
COCP No. 3350-2024 & COCP-3337-2026
and for respondent Nos 1 to 3 and 5 and 6
(in COCP No. 256-2026).

Mr. Ram Karan Sharma, DAG, Haryana
for respondent Nos.1 and 2 (in COCP-4146-2025) and
for the respondents (in COCP-4522-2025).

Mr. Gautam Dutt, Sr. Advocate assisted by
Ms. Jasmine Preet Kaur, Advocate
for respondent No. 6 (in COCP-4522-2025)

Mr. Ajay Kadyan, Advocate
for respondent No.1 and respondent no.7 (in COCP-4787-
2024).

Mr. P.S. Poonia, Sr. Advocate
with Mr. Pulkit Dhanda, Advocate and
Mr. Yudhveer Hooda, Advocate and
Mr. Dharampal Saini, Advocate
for respondent No.3 to 9 and 11 to 13 (in COCP-4146-2025).

Mr. G.S. Madaan, Advocate
for respondent No. 4 in COCP No. 256-2026.

Mr. Abhinav Sood, Advocate, Addl. Standing Counsel with
Ms. Mahima Dogra, Junior Panel Counsel
for respondent Nos.14 and 15 (in COCP-4146-2025).

Mr. Abhimanyu Chaudhary, Advocate
for respondent No.10 (in COCP-4146-2025).

COCP-4146-2025 (O&M)

Compliance affidavits of respondent Nos. 3 to 9 and 11 to 13 filed in the Registry, are taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel seeks some more time to file compliance affidavit of respondent No. 6.

C.M. No. 17987-CII-2026 in/and COCP-598-2023 (O&M)

The present application has been filed under Section 151 CPC seeking placing on record the compliance affidavit of respondent No. 4 and modification of the order dated 13.08.2026 to the limited extent of imposition of cost of Rs.30,000/-.

Learned State counsel prays that the cost imposed upon respondent No. 4 amounting to Rs.10,000/-, vide order dated 31.08.2026 be waived off.

For the reasons mentioned in the application and in view of the request of learned State counsel, the same is allowed and orders dated 13.08.2026 and 31.08.2026 are modified to the extent that costs imposed upon respondents No. 4 is waived off. Compliance affidavit (s) filed on behalf of respondent No. 4 is taken on record.

C.M. No. 17996-CII-2026 in/and COCP-598-2023 (O&M)

The present application has been filed under Section 151 CPC seeking placing on record the compliance affidavit of respondent No. 1.

Application is allowed as prayed for. Accordingly, compliance affidavit of respondent No. 1 is taken on record.

COCP-598-2023

In compliance of order dated 26.08.2026, Compliance affidavit of Gabber Singh, PPS, DSP now posted in HQ Khanna, District Khanna-respondent No. 2 filed in the Court today along with copy of receipts Annexure R-2/1 and R-2/2, are taken on record

Further affidavit of Dilbagh Singh, ASI now posted in PS Derabassi, Distt SAS Nagar-respondent No. 3, in compliance of order dated 26.08.2026, is taken on record.

Learned State counsel requests that the cost of Rs.30,000/- imposed upon respondent No. 3 has been deposited and receipt has been placed on record. He requests that cost of Rs.10,000/- imposed upon respondent No. 3, vide order dated 31.08.2026 be waived of.

Allowed as prayed for. Accordingly, cost of Rs.10,000/- imposed upon respondent No. 3, vide order dated 31.08.2026 is waived of.

COCP No. 3350-2024 & COCP-3337-2026

This Court deems it appropriate to appoint Mr. Ankur Mittal, Senior Advocate, as Amicus Curiae to assist this Court .

Mr. Shivendra Swaroop, Advocate, who is present in the Court accepts notice on behalf of Mr. Ankur Mittal, Sr. Advocate.

Registry is directed to supply a complete set of the paper-books of the cases to Mr. Ankur Mittal, Senior Advocate.

Learned State counsel seeks some time to file compliance affidavit in COCP No. 3337-2026.

COCP-256-2026 (O&M)

Learned counsel for the respondent no.4 seeks some more time to file compliance affidavit.

COCP-4146-2025 (O&M), COCP-4522-2025 (O&M)

COCP-4787-2024 (O&M), COCP-6263-2025 (O&M)

COCP-598-2023 (O&M), COCP-256-2026 (O&M)

COCP No. 3350-2024 & COCP-3337-2026

1. During the course of the arguments, learned amicus curiae draws the attention of this Court to the Division Bench judgment of Delhi High Court in **Amandeep Singh Johar vs. State of NCT of Delhi and anr., 2018 (2) SCC Online Del 13448** wherein the Delhi High Court taking note of the insufficiency and inefficacy of the available machinery as regards the procedure to be followed, framed the detail and comprehensive procedure as regards the working of Section 41-A of the Code. The said procedure laid down is extracted herein:-

“15. We have heard Mr. Sanjay Jain, learned ASG and Mr. Satyakam, ASC, GNCTD on the aforesaid issues and the reports. Upon consideration of the report and the suggestions made by the parties under the leadership of the Worthy Registrar General and with their consent, it is directed that so far as working of Section 41A, the following procedure shall be strictly followed by the police in Delhi:

Procedure for issuance of notices/order by police officers under Sections 41A

"(i) Police officers should be mandatorily required to issue notices under section 41A CrPC, 1973 (in the prescribed format) formally

to be served in the manner and in accordance with the terms of the provisions contained in Chapter VI of the Code.

Model form of notice under section 41A CrPC, 1973 is reproduced herein below:-

" Model section 41A CrPc, 1973 Notice

Sr. No.

Police Station

To,

[Name of Accused/Noticee]

[Last Known Address]

[Phone No./Email ID (if any)]

Notice under Section 41A Cr.P.C., 1973

In exercise of the powers conferred under subsection (1) of section 41A of Cr.P.C., 1973 I hereby inform you that during the investigation of FIR/Case No. dated u/sregistered at SV & ACB Police Station, it is revealed that there are reasonable grounds to question you to ascertain facts and circumstances from you, in relation to the present investigation. Hence you are directed to appear before me at am/pm on atPolice Station. You are directed to comply with all and/or the following directions :-

(a) You will not commit any offence in future.

(b) You will not tamper with the evidences in the case in any manner whatsoever.

(c) You will not make any threat, inducement, or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing, such facts to the court or to the police officer.

- (d) *You will appear before the Court as and when required/directed.*
- (e) *You will join the investigation of the case as and when required and will cooperate in the investigation.*
- (f) *You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach to the right conclusion of the case.*
- (g) *You will produce all relevant documents/material required for the purpose of investigation.*
- (h) *You will render your full co-operation/assistance in apprehension of the accomplice.*
- (i) *You will not allow in any manner destruction of any evidence relevant for the purpose of investigation/trial of the case.*
- (j) *Any other conditions, which may be imposed by the Investigating Officer/SHO as per the facts of the case.*

Failure to attend/comply with the terms of this Notice, can render you liable for arrest under section 41A(3) and (4) of CrPC, 1973.

[Signature]

[Name and Designation]

[affix seal]

.....

Sr. No.

Acknowledgement

In compliance with the abovementioned notice dated issued under section 41A CrPC, 1973 the Noticee has appeared on from to That the Noticee's presence has been recorded in the register to be maintained by the Police Station..... This acknowledgement is being issued in

compliance with section 41A CrPC, 1973. The documents produced by the noticee have duly been seized vide seizure memo/production memo (copy enclosed).

The noticee undertakes to continue to comply with any further notices that

she/he may receive during the course of the present investigation.

[Signature of Accused] [Signature of IO]"

(ii) The concerned suspect/accused person will necessarily need to comply with the terms of the notice under section 41 A and attend at the requisite time and place.

(iii) Should the accused be unable to attend at the time for any valid and justifiable reason, the accused should in writing immediately, intimate the investigating officer and seek an alternative time within a reasonable period, which should ideally not exceed a period of four working days, from the date on which he/she were required to attend, unless he is unable to show justifiable cause for such non-attendance.

(iv) Unless it is detrimental to the investigation, the police officer may permit such rescheduling, however only for justifiable causes to be recorded in the case diary. Should the investigating officer believe that such extension is being sought to cause delay to the investigation or the suspect/accused person is being evasive by seeking time, (subject to intimation to the SHO/SP of the concerned Police Station), deny such request and mandatorily require the said person to attend.

(v) A suspect/accused on formally receiving a notice under section 41A CrPC, 1973 and appearing before the concerned officer for

investigation/interrogation at the police station, may request the concerned IO for an acknowledgement,

(vi) In the event, the suspect/accused is directed to appear at a place other than the police station (as envisaged under Section 41A(1) CrPC), the suspect will be at liberty to get the acknowledgement receipt attested by an independent witness if available at the spot in addition to getting the same attested by the concerned investigating officer himself.

(vii) A duly indexed booklet containing serially numbered notices in duplicate/carbon copy format should be issued by the SHO of the Police Station to the Investigating Officer. The Notice should necessarily contain the following details:

- a. Serial Number*
- b. Case Number*
- c. Date and time of appearance*
- d. Consequences in the event of failure to comply*
- e. Acknowledgment slip*

(viii) The Investigating Officer shall follow the following procedure:-

- a. The original is served on the Accused/Suspect;*
- b. A carbon copy (on white paper) is retained by the IO in his/her case diary,*

which can be shown to the concerned Magistrate as and when required;

- c. Used booklets are to be deposited by the IO with the SHO of the Police Station who shall retain the same till the completion of the*

investigation and submission of the final report under section 173 (2) of the Cr.P.C., 1973

d. The Police department shall frame appropriate rules for the preservation and destruction of such booklets

(ix) Procedure booklets in format identical to the above prescription in guideline

(vii) & (viii) with modifications having regard to the statutory provisions in the forms for the notices and acknowledgment shall be maintained.

(x) Failure on the part of the IO to comply with the mandate of the provisions of the Cr.P.C and the above procedure shall render him liable to appropriate disciplinary proceedings under the applicable rules and regulations as well as contempt of Court in terms of the directions of the Hon'ble Supreme Court in the case of Arnesh Kumar v. State of Bihar (2014) 8 SCC 273.

(xi) Publicity should be undertaken and pamphlets educating the public at large, should be issued by the DCP of all Districts.

(xii) The above information should be displayed at prominent places in Police stations, the subordinate courts and the High Court and made available to with the State and District Legal Services Authorities, to inform the public of their rights and recourses available to them.

(xiii) Training programmes be specially formulated for Police Officers and Judicial Officers to sensitize them towards effective compliance of section 41A, 91, 160 and 175 of the CrPC, 1973."

16. It is directed that the above procedure shall apply also to the working of sections 91, 160 and 175 of the CrPC, 1973 as well. The

above procedure shall be mandatorily followed by the Delhi Police when working the requirements of all the above noted sections.”

2. It has been further brought to attention of this Court that in compliance of the aforesaid procedure laid down by Delhi High Court in **Amandeep Singh Johar’s case (supra)**, the Delhi Police framed a standing Order No. 109 of 2020 to comply with the mandate of Section 41A of the Code. The copy of the same has been produced by the learned amicus curiae, which is taken on record as Annexure A-1 in COCP No. 4146-2025.

3. Further, the procedure laid down by Delhi High Court in **Amandeep Singh Johar’s case (supra)** and the standing order issued by the Delhi Police was considered/taken note of by Hon’ble the Supreme Court in **Satender Kumar Antil vs. CBI and anr, 2022 AIR SC 3386** wherein Hon’ble the Supreme Court has made observation that the procedure laid down by Delhi High Court and the standing order of Delhi Police would certainly take care of unwarranted arrests, passed specific directions to all the State Governments and the Union Territories.

4. The observation as contained in para No. 73 (d) is extracted herein below:-

“73 (d) All the State Governments and the Union Territories are directed to facilitate standing orders for the procedure to be followed under Section 41 and 41A of the Code while taking note of the order of the High Court of Delhi dated 07.02.2018 in Writ Petition (C) No. 7608 of 2018 and the standing order issued by the Delhi Police i.e. Standing Order No. 109 of 2020, to comply with the mandate of Section 41A of the Code.”

5. The aforesaid directions passed by Hon’ble the Supreme Court of India in **Satender Kumar Antil’s case (supra)** are unambiguously clear

that all the State Governments and U.T's were mandated to facilitate standing order(s) for the procedure to be followed under Section 41 and 41-A of the Code.

6. In view of the above, the DGP's/Chief Secretary(ies) of States of Punjab, Haryana and U.T. Chandigarh are directed to file their specific affidavits as to how, the directions contained in para No. 73 (d) of ***Satender Kumar Antil's case (supra)*** as extracted above have/are been complied with in its true letter and spirit in their respective jurisdictions. It is further directed that the proformas prepared for issuance of notices/order by Police Officer under Section 41-A of the Code and the acknowledgment being followed in the respective States be attached with the affidavit (s) for the perusal of this Court.

7. It is made clear that the affidavits as directed must be filed two days in advance of the next date of hearing with copy (ies) in advance to learned amicus curiae, failing which appropriate order shall follow.

8. The copy of the order be supplied to learned counsels appearing for the State of Punjab/Haryana/U.T, Chandigarh for further transmission to the respective DGP's/Chief Secretary(ies) of States of Punjab, Haryana and U.T. Chandigarh for ensuring strict compliance.

9. Arguments heard in part.

10. Adjourned to 16.09.2026.

11. To be taken up at 2:00 P.M.

12. A photocopy of this order be placed on the files of connected cases.

(SUDEEPTI SHARMA)
JUDGE

09.09.2026
Gaurav Arora