

**SANDEEP KUMAR V/S PANKAJ NAIN, IPS AND OTHERS**

Present: Mr. Amit Gupta, Advocate  
for the petitioner.

Mr. Ram Karan Sharma, DAG, Haryana  
for respondent Nos. 1 and 2.

Mr. P.S. Poonia, Sr. Advocate assisted by Mr. Dharampal Saini,  
Mr. Pulkit Dhanda, Mr. Yudhveer Hooda, Advocates  
for the applicant/respondent Nos. 11 to 13.

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It is very frequently observed by this Court that contempt petitions are filed for disobedience of **Criminal Appeal No. 1277-2014 in SLP (CRM) No. 9127-2013 titled as Arnesh Kumar vs. State of Bihar and others** before this Court against State of Punjab and Haryana. In *Arnesh Kumar's case (supra)*, Hon'ble the Supreme Court passed the following directions:-

*Our endeavour in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorise detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:*

*“(1) All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.PC;*

*(2) All police officers be provided with a check list containing specified sub- clauses under Section 41(1)(b)(ii);*

*(3)The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/*

*producing the accused before the Magistrate for further detention;*

*(4) The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;*

*(5) The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;*

*(6) Notice of appearance in terms of [Section 41A](#) of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;*

*(7) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.*

*(8) Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.*

*We hasten to add that the directions aforesaid shall not only apply to the cases under [Section 498-A](#) of the I.P.C. or [Section 4](#) of the Dowry Prohibition Act, the case in hand, but also such cases where offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.*

*We direct that a copy of this judgment be forwarded to the Chief Secretaries as also the Director Generals of Police of all the State Governments and the Union Territories and the Registrar General of all the High Courts for onward transmission and ensuring its compliance.*

*By order dated 31st of October, 2013, this Court had granted provisional bail to the appellant on certain conditions. We make this order absolute.*

*In the result, we allow this appeal, making our aforesaid order dated 31st October, 2013 absolute; with the directions aforesaid.*

A perusal of the above shows that the copy of the judgment dated 02.07.2014 was forwarded to the Chief Secretaries as also the Director Generals of Police of all the State Governments and the Union Territories and the Registrar General of all the High Courts for onward transmission and ensuring its compliance. Still the contempt petitions are filed for non-compliance of the directions given by Hon'ble the Supreme Court in **Arnesh Kumar's case (supra)**.

Though in the present case, the contempt is against State of Haryana. It is need of the hour that since many contempts are filed against State of Punjab as well for non-compliance of the directions given by Hon'ble the Supreme Court in **Arnesh Kumar's case (supra)**, therefore State of Punjab is also impleaded as party in the present petition.

On asking of the Court, Mr. Ravneet Singh Joshi, DAG, Punjab, accepts notice on behalf of State of Punjab.

The Additional Chief Secretaries and the Director Generals of Police of both the State Governments are directed to file a comprehensive affidavit (s) regarding the measures taken by them to implement the

directions issued by Hon'ble the Supreme Court in **Arnesh Kumar's case (supra)**.

Hon'ble the Supreme Court issued the directions on 02.07.2014 and till date, the contempts are filed for non-compliance of the same. It is very unfortunate that compliance affidavit (s) filed by both the States in these cases are rather admission of disobedience by them.

Further there is one paragraph in set proforma in all the affidavits that erring officer/officials has been charge-sheeted. The charge sheet issued to the police officials would not condone the contempt made by them. Rather the contempt is made out against Chief Secretaries and the Director Generals of Police of both the State Governments to whom the directions are issued to ensure the compliance. This shows that both the States have not taken any steps to ensure compliance of directions issued by Hon'ble the Supreme Court in **Arnesh Kumar's case (supra)**.

In view of the above, notice is issued to Chief Secretaries and the Director Generals of Police of both the State Governments to show cause as to why contempt proceedings be not initiated against them.

List on 19.03.2026.

**(SUDEEPTI SHARMA)**  
**JUDGE**

**18.02.2026**  
Gaurav Arora