SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL/2357/2026 Harish Dhami And Anr --Petitioner **Versus** State Of Uttarakhand and others --Respondents **Hon'blePankaj Purohit,J. (through V.C.)** Mr. V.B.S. Negi, learned Senior Advocate assisted by Mr. Amit Kapri and Mr. Suraj Pandey, learned counsel for petitioners. **2.** Mr. Bhaskar Chandra Joshi, learned AGA. for the State. **3.** By means of this criminal writ petition, petitioners have put to challenge the FIR No. 0014 of 2026 dated 15.11.2026, for the offences punishable under Sections 121(1), 132, 191(2), 324(3) and 352 of BNS, 2023, registered with P.S. Jaul Jibi, District Pithoragarh. **4.** After arguing a while, learned Senior Counsel for the petitioners has limited his argument to the extent that the Investigating Agency should comply with the guidelines given in ***Arnesh Kumar Vs. State of Bihar and Another*** reported in ***(2014) 8 SCC 273***. **5.** Since the offences punishable under Section 121(1), 132, 191(2), 324(3) and

352 of BNS, 2023, carry a punishment maximum to seven years, therefore, before resorting to any arrest a 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 the petitioners. Hence, it is provided that before taking any coercive measures against the petitioners, Investigating Officer shall abide by procedure given under Section 35(3) of the BNSS Act, 2023 (under Section 41A of Cr.P.C.). It is also directed that the petitioners shall cooperate with the investigation.

6. Accordingly, the criminal writ petition stands disposed of.

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

(Pankaj Purohit, J.)
23.11.2026

Nahid
