

**IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P.(Cr.) Filing No.4238 of 2026**

Manoj Tandon Petitioner
-- **Versus** --
The State of Jharkhand through Director General of Police and Ors.
.... Opp. Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- Mrs Ritu Kumar, Advocate
Mr. A.K. Kashyap, Sr. Advocate
Mr. Rajendra Krishna, Advocate
Mr. Abhay Kumar Mishra, Advocate
Mr. Siddharth Ranjan, Advocate
Ms. Akansha Priya, Advocate
Mr. Piyush Kumar Roy, Advocate
Mr. Amritansh Vats, Advocate
Mr. Karamjit Singh Chhabra, Advocate
For the State :- Mr. Deepankar, AC to GA -III
For Resp No.4 (UOI) : Mr. Kumar Vaibhav, CGC
For Resp.No.5 (CBI) : Ms. Shivani Jaluka, AC to ASGI

1/19.02.2026 This matter was mentioned at 1.30 p.m. by the learned counsel appearing for the petitioner pointing out the urgency that for a petty road accident, the police is unnecessarily harassing the petitioner in absence of notice under section 35(3) of the BNSS, 2023 and seeing the nature of the prayer and urgency and at the time of mentioning, the learned counsel for the CBI was also present in the Court and the Court has queried from her whether the Roster of this Bench is there or not, so far as the prayer is concerned, and she has replied, that there is consideration of Delhi Police Establishment Act and in view of that, the Roster relating to the CBI is of this Bench and thereafter, in that view of the matter, this matter has been notified to be listed at 2.15 p.m, and that is

how, this case has been listed.

2. The prayer no.(v) is for the prayer that the investigation of both the cases being Doranda P.S. Case No.51 of 2026 registered under sections 281, 324(2), 125(b), 115(2), 117(2), 126(2), 351(2), 302, 351(3) and 3(5) of B.N.S., 2023 and Doranda P.S. Case No.52 of 2026 registered under sections 281, 115(2), 126(2), 324(2), 192, 3(5) of B.N.S., 2023 be handed over the Central Bureau of Investigation (CBI) for fair and impartial investigation.

3. Learned counsel for the petitioner further submits that the petitioner was coming to the High Court on 17.02.2026 at 10.00 a.m and all of a sudden, a motorcycle has come in front of his Car and the Car slightly touched the motorcycle and for that, altercation took place and pursuant to that, the petitioner was kept in Doranda Police Station from 10.00 a.m to 5.00 p.m and Car was taken into the custody of the police and the Car is still lying in the police station, however, no seizure memo has been prepared as yet.

4. In course of the argument, she has argued that very alarming situation is there as the case lodged against the petitioner being Doranda P.S. Case No.51 of 2026 has been handed over for investigation to the officer who is from a particular community wherein the case lodged by the petitioner being Doranda P.S. Case No.52 of 2026 has been handed over to another investigating officer.

5. The further alarming situation has been pointed out in

the open Court by the learned counsel for the petitioner that the media trial of such petty road accident is being conducted by the investigating officer who is investigating Doranda P.S. Case No.51 of 2026. It has also been pointed out that the Car has been seized however said bike has not been seized. The person who was riding the said motorcycle, his profile has been downloaded by the learned counsel for the petitioner from Instagram which was produced to the Court and it has been pointed out that the said gentleman is said to be software engineer working in TCS and he has given slogan in the Instagram which is the slogan of, Peoples' Front of India which is a banned organization in the State of Jharkhand and in view of this, she submits that this matter is required to be investigated by National Investigating Agency. In course of argument, the learned counsel for the petitioner has also pointed out that now the gang in the city of Ranchi is operating to extort money from the Car owners and they are intentionally hitting the Car and thereafter demanding the money. She submits that the house of this petitioner was also surrounded by 100 people of a particular community and even the police station was surrounded by the mob. She submits that there is every apprehension that the petitioner who is a practicing advocate of this Court will be taken into custody at any point of time as the police is not investigating the case with open mind because the petitioner has received a telephone call from the police station for coming to the police

station. She submits that this call is clearly in violation of the guidelines made by the Hon'ble Supreme Court and the High Court with regard to arrest. She submits that in view of the aforesaid background, the petitioner may kindly be protected.

6. It is well known that if two cases arising out of same occurrence are there, both are required to be investigated by one investigating officer.

7. It is not for the Courts to issue directions in the policy matters and it is for the Legislature and Executive to decide. For promotion of fundamental rights, directions can be issued in absence of any law. Moreover, directions and guidelines are permissible when issued in consonance and within the framework of existing statutory provisions. For instance, the directions issued in ***Arnesh Kumar v. State of Bihar*** reported in **(2014) 8 SCC 273** are in consonance with the provisions contained in Sections 41 and 41(A) of the Cr.P.C. (now, Section 35(3) of BNSS, 2023). Similarly, the guidelines stated in the case of ***D.K. Basu*** reported in **(1997) 1 SCC 416** are within the framework of Cr.P.C and power of superintendence of the authorities in the hierarchical system of the investigating agency.

8. In the case of ***Md. Asfak Alam v. State of Jharkhand and Another***, reported in **(2023) 8 SCC 632, Arnesh Kumar** case guidelines have been further reiterated with further direction and the further directions are as under:

"(i) All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-AIPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41CrPC;

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

(iii) The police officer shall forward the checklist duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

(iv) 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;

(v) 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;

(vi) Notice of appearance in terms of Section 41-ACrPC 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;

(vii) 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 the High Court having territorial jurisdiction.

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

(ix) The High Court shall frame the above directions in the form of notifications and guidelines to be followed by the Sessions Courts and all other and criminal courts dealing with various offences.

(x) Likewise, the Director General of Police in all States shall ensure that strict instructions in terms of the above directions are issued. Both the High Courts and the DGP's of all States shall ensure that such guidelines and Directives/Departmental Circulars are issued for guidance of all lower courts and police authorities in each State within eight weeks from today i.e 31.07.2023.

(xi) Affidavits of compliance shall be filed before this Court within ten weeks by all the States and High Courts, through their Registrars.

9. This Court is conscious of the fact that at the initial stage of the FIR, no investigation can be stayed, and there are line of judgments on this issue to suffice to refer the ***Neeharika Infrastructures Pvt. Ltd v. State of Maharashtra*** reported in

2021 SCC Online SC 315 and in that case, guidelines have been issued as to how to pass the interim order in a criminal case.

10. Mr. Deepankar, the learned counsel for the State submits that he will take instruction and file counter affidavit within four weeks.

11. Seeing the gravity of the situation the learned counsel for the Union of India and C.B.I will also take instruction and file counter affidavit.

12. On the query made by the Court, Mr. Deepankar fairly submits that on telephone he has been instructed that the seizure has been prepared of both the vehicles.

13. Learned counsel for the Union of India and the C.B.I jointly submit that if the said case is being given another colour that is very dangerous and the entire city will be in trouble. They further submit that once the Court will direct the Union of India or the C.B.I, Union of India and C.B.I will act accordingly.

14. The aforesaid background have been supported by the lawyers who are present in the Court including Mr. Rajendra Krishna who is the Chairman of the Jharkhand State Bar Council, Mr. Jitendra Shankar Singh, Mr. Rajiv Kumar, Mr. Navin Kumar, Mr. Krishna Murari, Mr. Vats, Mr. Anil Kumar Kashyap, Senior Advocate and other lawyers who are present in the Court.

15. In view of above, the federal structure of our Constitution of India cannot be allowed to be destroyed and it is a

duty of the High Court that once such type of matter is brought to the knowledge of the Court, the High Court is required to rise to the occasion.

16. In view of the above, there shall be stay of further proceeding including the investigation in connection with Doranda P.S. Case No.51 of 2026 and Doranda P.S. Case No.52 of 2026 and no coercive step shall be taken against the petitioner in connection with Doranda P.S. Case No.51 of 2026, pending in the court of learned Judicial Magistrate First Class-XIII, Ranchi, till the next date of listing.

17. The Senior Superintendent of Police, Ranchi shall take the stock of the situation and he will also ensure that no harm can be there to the petitioner.

18. I.A. No.2861 of 2026 has been filed for exemption to file the Certified copy of the FIR. The said I.A is disposed with liberty to the petitioner to obtain the certified copy and file the same in the form of supplementary affidavit.

19. In the meantime, the learned counsel for the petitioner will remove the surviving defects.

20. The Office will proceed further as per the procedure.

21. Let this matter appear on 24.03.2026.

(Sanjay Kumar Dwivedi, J.)

Dated : 19.02.2026
SI/ A.F.R.