

Criminal Procedure Code, 1973 (II of 1973) – Personal liberty, is an important aspect of our constitutional mandate – The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond – Merely because an arrest can be made because it is lawful does not mandate that arrest must be made – A distinction must be made between the existence of the power to arrest and the justification for exercise of it – If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person – If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation we fail to appreciate why there should be a compulsion on the officer to arrest the accused. [Joginder Kumar v. State of UP & Ors. 1994 PLRonline 0004 \(SC\)](#), relied.

read **HERE** , [2021 Scej 1365, \(2021-3\)203 PLR 657 \(SC\)](#),
