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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 \(SC\)](#).**

Tags: [Arrest](#), [Criminal Trial](#), [Personal liberty](#)