

In the High Court of Punjab and Haryana at Chandigarh.

**COCP No. 2467 of 2013
Decided on 11.5.2015**

Sukhjit Singh

--Petitioner

Vs.

DSP Jagjit Singh Jhalla and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. R.S.Bains, Advocate, for the petitioner

Mr.M.C.Berry, Addl.A.G.Punjab

Rakesh Kumar Jain,J: (Oral)

This petition is filed under Section 12 of the Contempt of Courts Act, 1971 (for short,'the Act') to initiate proceedings against the respondents (police officials) for willful disobedience of the direction issued by the Supreme Court in the case of **D.K.Basu Vs. State of West Bengal** reported as AIR 1997 SC 610.

In short, the petitioner has alleged that some eucalyptus trees from his land were cut by some unknown persons about which he made a complaint to the S.H.O, Police Station, Patiala (Rural) on 28.4.2013. When he did not listen to him, he made a complaint to the D.S.P (Rural) on 1.05.2013. Thereafter, he represented to the S.S.P,Patiala on 28.5.2013, who marked an enquiry to the same D.S.P (Rural). It is alleged that instead of looking into the complaint, the complainant was taken into illegal custody and tortured.

On 1.6.2013, the petitioner was medically examined and found that he has lost his sense of hearing and was referred to the P.G.I, Chandigarh on 05.6.2013 for treatment.

Since no action was being taken against the concerned police official, the present contempt petition was filed before this Court on 10.7.2013, in which notice was issued.

It is submitted by learned counsel for the petitioner that S.P (D) suo motu held an enquiry without associating the petitioner and has concluded that the injuries suffered by the petitioner were at the hands of some private persons who have admitted their guilt. It is further submitted that similar enquiry has been held by the S.D.M, Patiala. Learned counsel for the petitioner has submitted that the petitioner could not dare to register a criminal case against the respondents who are police officials and has thus filed the present petition for initiating the contempt proceedings for violation of the mandatory direction issued by the Supreme Court in the case of **D.K.Basu (Supra)**

During the course of hearing, learned counsel for the petitioner has submitted that the petitioner would be satisfied if a fresh enquiry is held by the Crime Branch in which the petitioner shall also be associated.

Learned counsel for the State has raised no objection to it.

In view thereof, the present petition is disposed of with a direction to the Additional Director General of Police (Crime Branch), Punjab, to depute an IPS officer of the rank of S.S.P in his department to hold an enquiry into the allegations made by the petitioner while associating him in the said enquiry and conclude the same within a period of three months from the date of receipt of a certified copy of this order.

11.5.2015
rr

(Rakesh Kumar Jain)
Judge