

COCP No.2565 of 2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP No.2565 of 2014
Date of decision:20.07.2015**

Satnam Singh ...Petitioners

Versus

Jasdeep Singh ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Jaswal, Advocate,
for the petitioners.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J. (Oral)

The Crl. Misc. No.M-25758 of 2014, filed by the petitioner, was disposed of by this Court on 01.08.2014, directing respondent no.2-Senior Superintendent of Police (Rural), Amritsar, to decide his representation, which was attached with the petition as Annexure P-3, in accordance with law within three weeks from the date of receipt of certified copy of the order. Thereafter, the present petition was filed on 09.09.2014, as according to the petitioner, the order passed by this Court was not complied with.

On 09.01.2015, the case was adjourned on the request of the respondent to file the reply. As many as six months' time was granted by this Court to file the reply but on 13.07.2015 also, when the case was listed for hearing, counsel for the State prayed for some more time to file reply.

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Consequently, the case was adjourned for today, subject to payment of ₹50,000/- as costs, which was ordered to be recovered from salary of the Senior Superintendent of Police (Rural), Amritsar, for onward payment to the petitioner.

Counsel for the respondent has submitted that though the cheque of ₹50,000/- is prepared in the name of the petitioner for payment of costs, but he has tried to explain the delay in filing of response by the respondent and has filed an affidavit dated 09.01.2015, sworn by Jasdeep Singh, PPS, Senior Superintendent of Police, District Amritsar (Rural) and his reply dated 20.07.2015, which are taken on record. It is averred therein that the representation of the petitioner was decided after the order was passed by this Court. The matter was handed over to Smt. Amandeep Kaur, PPS, Deputy Superintendent of Police, Sub-Division Jandiala, District Amritsar (Rural) to inquire into the representation of the petitioner and submit her report. The report was submitted by the said officer on 21.08.2014, which was approved after two days i.e. on 23.08.2014, by the answering respondent and the compliance affidavit was duly attested by the Oath Commissioner on 09.01.2015 was given to the Inspector Kawaljit Singh, SHO, Police Station, Jandiala, for vetting from the office of the Advocate General, Punjab and for its filing in the Court. It is averred in the affidavit dated 20.07.2015 that the answering respondent came to know from the order dated 13.07.2015 that the reply was not filed on 09.01.2015 and, therefore, Inspector Kawaljit Singh has been placed under suspension vide office order dated 16.07.2015 and disciplinary proceedings have been

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initiated against him. It is, thus, submitted that the respondent has not violated the order and has tendered unconditional apology.

Counsel for the petitioner, however, has submitted that had the information regarding the decision having been taken by the respondent was conveyed to the petitioner in time, he would not have filed the present petition in which he has to incur unnecessary litigation expenses.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the respondent is not at fault insofar as the compliance of the order passed by this Court is concerned as the same has been complied with within the prescribed time of 3 weeks but certainly there is a lapse on his part as he did not inform the petitioner about the order passed by him, resulting into filing of the present contempt petition on 28.08.2014 which could have been easily avoided.

In view thereof, the present petition is hereby disposed of, exonerating the respondent, from his liability to be prosecuted under the Contempt of Courts Act, 1971, but he is saddled with costs of ₹20,000/- towards cost of litigation incurred by the petitioner, which shall be paid by him to the petitioner. However, the order dated 13.07.2015 qua costs of ₹50,000/- is hereby re-called.

July 20, 2015
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(Rakesh Kumar Jain)
Judge