

COCP No.832 of 2015

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

**COCP No.832 of 2015  
Date of decision:28.05.2015**

Court on its own motion

...Petitioner

Versus

Gurmeet Singh, ASI, P.S. Manimajra, U.T., Chandigarh

...Respondent

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: None for the petitioner.

Mr. J.S.Toor, Advocate,  
for the respondent.

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**Rakesh Kumar Jain, J.**

These contempt proceedings have originated from an application filed for regular bail under Section 439 of the Code of Criminal Procedure, 1973, in a case registered vide FIR No.329 dated 11.08.2014, under Sections 147, 148, 149, 323, 342, 307, 34 IPC, at Police Station Manimajra, U.T., Chandigarh, in which this Court had passed the following order on 26.03.2015:-

“ASI Gurmeet Singh is present in Court. He has clearly tried to mislead the Court by diluting the role attributed to the petitioner. He has repeatedly stated before this Court that petitioner Ganga Parsad was attributed an injury with a screw driver at the back of the injured whereas his statement under Section 167 Cr.P.C.

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clearly indicates that petitioner has been attributed a screw driver injury on the eye of the injured which has been declared grievous in nature. Evidently the aforesaid officer's stand attempts to obstruct the course of justice and even could have helped the petitioner in obtaining bail on the strength of misrepresentation.

Let ASI Gurmeet Singh be issued a show cause notice as to why proceedings under the Contempt of Courts Act be not initiated against him. The contempt petition be registered and listed before the Bench which is dealing with the subject roster after obtaining orders from Hon'ble the Acting Chief Justice.

Learned counsel for the petitioner prays for some time to place on record the statement of the injured recorded before the Court.

Adjourned to 14.05.2015.”

The respondent was served and has appeared through his advocate. He orally tendered unqualified apology and also prayed for time to tender apology by way of an affidavit. The respondent has filed the affidavit dated 18.05.2015, which is taken on record. It is averred therein that his father was seriously ill and undergoing treatment in the GMCH, Sector 32, Chandigarh. He was not in a stable state of mind at the time of hearing of the CRM No.M-6472 of 2015 and had also not gone through the file prior to the date of hearing. His father expired on 15.04.2015. It is also mentioned that he could not understand and reply the question appropriately. He has tendered his unconditional apology. Further, it is averred that he had clean service record and has been awarded as many as 24 commendation certificates.

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I have considered the contents of the affidavit and appreciated that may be because of the illness of his father who ultimately expired, the respondent was not in a stable state of mind and may not have understood the question put by the Court. As a result thereof, the Court had felt that the respondent is deliberately making a wrong statement to help the accused in order to secure the bail.

Thus, in view of the facts and circumstances narrated here-in-above, the unqualified and unconditional apology tendered by the respondent is hereby accepted and the contempt proceedings initiated against him are dropped.

Rule is discharged.

May 28, 2015  
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**(Rakesh Kumar Jain)**  
**Judge**