

COCP No.884 of 2015

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

**COCP No.884 of 2015
Date of decision:18.05.2015**

Surjit Singh

...Petitioner

Versus

Sumedh Singh Saini and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

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

Rakesh Kumar Jain, J.

The petitioner has prayed for initiation of contempt proceedings for the alleged willful disobedience of the order dated 02.03.2015 passed by this Court in CRM-M-6730-2015. The operative part of the said order reads thus:

“Let the petitioners move a detailed representation to respondent No.2, highlighting the factum of registration of cases against them along with others and the issuance of instructions by the Director General of Police in the context of prohibiting repeated enquiries in the same allegations.

In the event of filing such representation by the

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petitioners within a period of 10 days, respondent No.2 would be obligated to decide the same by giving proper opportunities to the parties, of course by way of speaking order.

Respondent No.2 is also required to see feasibility of passing any restraint order, thereby preventing the petitioners from facing vagaries of unwarranted repeated enquiries.”

After notice, reply was filed by respondent no.1 on 04.05.2015 in which the averments made in para nos.8 and 9 are relevant, which read thus:-

“8. That it is humbly submitted that it is not a case of repeated/multiple enquiries on the same allegations. The basic facts as ascertained from District Police show that the petitioner alongwith others has misappropriated gold & other valuables belonging to different people, who had lodged separate complaints against them, which led to registration of abovesaid FIRs against the petitioner and others.

9. That as regards the direction of this Hon'ble Court to pass restraint order is concerned, it is submitted that Senior Superintendent of Police, Hoshiarpur has been directed to instruct the Investigating Officer of case FIR No.58 dated 20.03.2015 u/s 420, 406 IPC, PS Dasuya,

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not to arrest any accused person in the abovesaid case, without bringing all the facts of the case to the notice of DIG/Investigation, Punjab, and his approval. The SSP/Hoshiarpur has further been directed that the Police Report u/s 173(2) Cr.P.C., 1973 in abovesaid case FIR No.58 dated 20.03.2015 u/s 420, 406 IPC, PS Dasuya, shall not be filed before the competent Court, till a speaking order is passed by the deponent.”

There is another affidavit dated 18.05.2015 filed by the Director, Bureau of Investigation, Punjab, in which it is averred that the DIG, Investigation, Punjab had called the concerned persons in his office on 06.05.2015 at 10.00 a.m. and opportunity of personal hearing was granted to the parties. The averments made in para nos.6 and 7 of this affidavit also need to be highlighted, which read thus:-

“6. That upon consideration of the entire matter, DIG/Investigation, Punjab has submitted a detailed report to the Director General of Police, Punjab, which reveals prima facie serious allegations of cheating & misappropriation against the petitioner. It is submitted that a complaint was received from Avtar Singh s/o Mangal Singh, Narinder Singh s/o Ajit Singh and Virsa Singh s/o Waryam Singh, all residents of Jalal Chak, PS Dasuya on the allegations of cheating and misappropriation of gold and other valuables. It was

mentioned by the complainants that during the month of September 2012, accused approached them and asked them to invest their gold ornaments in a new scheme. It was assured that according to scheme, Rs.5000/- (five thousand rupees) would be given as profit to the complainants by the accused after every (quarter) three months, for each then gram of gold deposited by them. Avtar Singh had deposited his 21.5 Tola (215 g) old ornaments, Virsa Singh had deposited 29 Tola (290g) and Narinder Singh deposited 7.5 Tola (75g) to the accused in the month of March 2013. When the complainant demanded their gold ornaments and amount from accused, they neither gave his gold nor profit to him. Whereupon, FIR No.58 dated 20.03.2015 u/s 420, 406 IPC, PS Dasuya, was registered against petitioner Surjit Singh & others. The abovesaid FIR No.58 dated 20.03.2015, PS Dasuya is under investigation by the local police.

7. That upon consideration of the entire matter, detailed order has been passed by the Director General of Police, Punjab on 15.05.2015, a copy of which is annexed herewith and marked as Annexure R-1. As per enquiry conducted in the matter, all the FIRs have been registered correctly against the accused including the

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petitioner. The complainant of each FIR is different, place of offence committed is separate & distinct. The offenses are not correlated to each other nor have been committed in continuation to the earlier offences. The present case is not a case of conducting repeated enquiries concerning same allegations. The contention of the petitioner is totally misconceived as all the FIRs have been registered for separate offences.

Counsel for the petitioner has vehemently argued that the respondents were directed not to indulge in repeated inquiries, therefore, they have committed contempt of the order passed by this Court, whereas counsel for the respondents has argued that in the FIR Nos.74 dated 20.04.2013 and 86 dated 02.05.2013, the challan has already been presented, therefore, there is no question of any repeated inquiry and in FIR No.58 dated 20.03.2015, the petitioner has been associated.

Keeping in view the totality of the facts and circumstances emerging from the replies dated 04.05.2015 and 18.05.2015, I am of the considered opinion that the respondents have complied with the order passed by this Court and hence, the present contempt petition is found to be without any merit and is dismissed as such.

May 18, 2015
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(Rakesh Kumar Jain)
Judge