

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

Crl.Misc.No.M-14625 of 2015

Date of decision : 28.7.2015

Naresh Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release on bail in terms thereof in a case registered vide FIR No.13 dated 9.1.2015 under Sections 21B/22/61/85 NDPS Act, Police Station City Dabwali, Distt. Sirsa.

It was contended by the learned counsel for the petitioner that the petitioner has been named by the co-accused as the person for whom the intended consignment of 360 bottles of Rexcof Cough Syrup was meant.

Noticing this fact, this Court on 6.5.2015 granted the interim protection to the petitioner subject to his complying with the provisions of Section 438(2) Cr.P.C.

Learned counsel for the petitioner contends that pursuant to the interim order of this Court dated 6.5.2015 the petitioner has since joined the investigation and challan has already been submitted.

Learned counsel appearing for the State of Haryana on instructions from ASI Ram Singh states that the aforesaid contention raised by the learned counsel for the petitioner is incorrect as the petitioner never joined the investigation and challan has not been submitted.

Confronted with this situation, learned counsel for the petitioner has shown a copy of challan which has also been passed over to the aforesaid ASI Ram Singh, who then took up a plea that he is not the Investigating Officer and rather one Jeet Ram is the Investigating Officer who had instructed him as above.

This is a serious matter where the official concerned i.e. ASI Ram Singh made a wrong statement before the Court which could possibly have altered the course of the order to be passed altogether and possibly could have prejudiced the interest of the petitioner as well.

The court cannot ignore such a situation where blatant mis-statement is made to the court resulting in subversion of justice. If the official who is present had no idea about the case he

ought to have instructed the State counsel appropriately by saying so but he under no circumstances can make a wrong statement. This is a fit case where the court ought to have proceeded against the official as he has committed contempt of court and trying to subvert justice and outcome of the petition.

At this stage, the concerned ASI Ram Singh has expressed his regrets which are accepted and instead of taking recourse to the proceedings against him under the provisions of Contempt of Courts Act this Court deems it appropriate to impose costs of Rs.2,000/- upon him which shall be deposited before the Mediation and Conciliation Centre of this Court within a period of two weeks.

As far as the petition is concerned, since the investigation is complete and challan submitted, which also notices the fact of the petitioner having joined the investigation, the interim directions dated 6.5.2015 are hereby made absolute.

Petition allowed.

28.7.2015

(MAHESH GROVER)
JUDGE

dss