

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

CRM-M-23487-2012 (O&M)
Date of Decision: 29.07.2015

Tarlochan Singh

....Petitioner

VS.

State of Haryana & Ors.

....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.PARAMJEET SINGH
HON'BLE MR.JUSTICE R.P. NAGRATH

Present: Mr. VB Aggarwal, Advocate for the petitioner

Mr. Saurabh Girdhar, AAG Haryana

SURYA KANT, J. (Oral)

(1) This Criminal Miscellaneous Petition under Section 96 of the Code of Criminal Procedure seeks to quash the information contained in the memo dated 13.03.2012 (P3) read with noting dated 18.12.2006 (P4) received under the Right to Information Act, 2005 regarding the ban imposed by State Government on the book "*1857 Ki Jan Kranti Mein Haryana Ka Yogdan*". The information further recites that the order imposing the ban was earlier communicated to the petitioner vide memo dated 23.11.2011 by the Archives Department, Haryana but he did not challenge the same.

(2) When this petition came up for hearing on 17.08.2012 before this Special Bench consisting of three Judges constituted under sub-Section (2) of Section 96 CrPC, the petitioner was

directed to file an affidavit to substantiate and corroborate the credibility of the author of the book as a historian. State counsel was also asked to ascertain whether a team of renowned Historian had reviewed the facts drawn in the book.

(3) The case was thereafter adjourned several times on petitioner's request who without filing any affidavit in terms of the order dated 17.08.2012, placed some additional documents (P6 & P7) on record on October 30, 2014. In the interest of justice, last opportunity was granted to the petitioner to comply with the order dated 17.08.2012.

(4) Instead the following contention was raised on behalf of the petitioner on 29.01.2015:-

"Since it is contended by Sh. Aggarwal that the subject book can be re-written after deleting its offending parts, we have impressed upon him to go through one of its Chapter minutely and suggest the mode of re-writing the same."

(5) Thereafter the petitioner has been seeking adjournments to do the needful as per the above-reproduced order.

(6) It is revealed from the impugned noting (P4) that actually the ban was imposed on the book way back on 18.12.2006. The petitioner sought information in this regard which was supplied to him firstly on 23.11.2011 and again vide impugned memo dated 13.03.2012 (P3).

(7) Since the petitioner has neither complied with the order dated 17.08.2012 nor undertaken the exercise volunteered

by him on 29.01.2015 despite repeated opportunities granted from time to time, we dismiss this petition at this stage with liberty to him to file a fresh petition along with relevant material and full particulars.

(Surya Kant)
Judge

(Paramjeet Singh)
Judge

29.07.2015
vishal shonkar

(RP Nagrath)
Judge