

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-38331 of 2013(O&M)

Date of decision: 20.01.2015

Pinki @ Pinki Rani

.....Petitioner

versus

Pardeep Kumar and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Navkiran Singh, Advocate for the petitioner
None for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner seeks issuance of suo moto criminal contempt notice against the respondents for filing false affidavit in Criminal Misc. No. M -30998 of 2013 titled Pinki @ Pinki Rani v. State of Punjab and got the pre-arrest bail of the petitioner rejected.

Notice was issued to the respondents but they have decided not to put in appearance.

The affidavit in question of Pardeep Kumar is placed on file. In para Nos.9 and 13 of the said affidavit, it is stated that some averments were made regarding Bishamber Singh (Pujari) making complaint against husband of the petitioner and threatening him likewise Krishna Devi has also made a complaint. It is stated that during inquiry by the police, which is placed on file, the said witness

has stated before the police that his signatures were obtained on blank papers. Therefore, it is stated that on the basis of inquiry by the police, the suo moto contempt notice is to be issued.

After hearing learned counsel for the petitioner, I am of the view that mere fact that during inquiry by the police said Krishna Devi or Bishamber Singh denied to have made statement and rather claimed that they had signed/ thumb marked on blank papers, does not mean that their statements are to be taken gospel truth. Normally in case of controversy, witnesses do make such statements. There is no clinching evidence that averments made in the affidavit are false. Therefore, there is no ground to issue suo moto contempt notice.

The petition is accordingly dismissed.

20.01.2015
gk

(Kuldip Singh)
Judge