

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

104

COCP No.2354 of 2016

Date of Decision: September 24, 2016

H.C. Arora

...Petitioner

Versus

Vikas Partap Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.C. Arora, Advocate, petitioner in person.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 30.06.2015 passed by this Court in *CWP (PIL) No.23058 of 2011* titled as *H.C. Arora Versus State of Punjab and others*, wherein challenge was to paras 4 to 8 and 9 and 10 of the Circular dated 06.03.2000 issued by the Government of Punjab, Department of Vigilance. State of Punjab had filed a short affidavit in the said writ petition of the Joint Secretary, Vigilance, stating therein that an affidavit has been filed in the Hon'ble Supreme Court in *Civil Appeal No.5166 of 2010* titled as *Veena Kumari Versus State of Punjab* to the effect that the provisions of the Circular dated 06.03.2000, which were stated to be violative of Criminal Procedure Code, shall not be implemented during the pendency of the appeal.

Petitioner, who appears in person has referred to the Government Circular/Instructions dated 23.07.2007 (Annexure P-5) to contend that the Vigilance Department is still shielding the guilty in the garb of the said Instructions and in support of the said contention, places reliance upon an affidavit filed by Deputy Superintendent of Police, Vigilance Bureau, Flying Squad, Punjab, in *Criminal Miscellaneous*

No.M-41977 of 2015 titled as *Charanjit Singh Versus State of Punjab and others* stating therein that the said Instructions are being followed by the Vigilance Department, which the petitioner states is virtually having the same effect as the Instructions dated 06.03.2000. He, thus, contends that the respondents have committed contempt of Court.

This contention of the petitioner cannot be accepted as the contempt would be, on the part of the respondents, if they give effect to the Circular dated 06.03.2000 and that too in violation of the affidavit which has been filed in the Supreme Court in Civil Appeal No.5166 of 2010 and to that effect and the affidavit as filed in the writ petition. Since the Instructions dated 23.07.2007 (Annexure P-5) were not a part of the writ petition nor were these Instructions challenged, therefore, it cannot be said to be violation of the order of this Court dated 30.06.2015.

In view of the above, the present contempt petition stands dismissed.

September 24, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No