IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 3087 of 2015
Date of Decision: August 11, 2016

Ashok Bhalla

...Petitioner

Versus

Shiv Charan Atri

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.S. Jetley, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

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AUGUSTINE GEORGE MASIH, J. (Oral):

Counter-affidavit of the petitioner has been filed in Court to the reply filed by the respondent, which is taken on record, copy supplied to the counsel for the respondent.

2. The direction issued by this Court vide order dated 30.07.2015 (Annexure P-1) in CRM-M-24762 of 2015, titled as 'Ashok Bhalla Vs. State of Haryana & others', operative part whereof reads as follows:-

> "Learned counsel for the petitioner submits that he feels satisfied, in case, direction is given respondent No. 2 to inquire into the various submissions unfolded by petitioner in his representation dated 01/03.03.2015 (Annexure P-10) and to take appropriate action.
>
> The instant petition is disposed of with a direction to respondent No.4-Superintendent of Police, State Vigilance Bureau, Hissar to look into the grievances unfolded by petitioner in his representation dated

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01/03.03.2015 (Annexure P-10) and if some substance is found, to take appropriate action in accordance with law within a period of three months from the date of receipt of certified copy of this order."

3. In compliance with the order passed by this Court, reply has been filed by the respondent, according to which the representation which was submitted by the petitioner alongwith the order passed by this Court in the office of the respondent on 14.08.2015, was duly considered after entrustment to Shri Shareef Singh, Deputy Superintendent of Police, State Vigilance Bureau, Hisar, who had under the direct supervision of the respondent looked into the matter. After going through the grievances, a report was submitted on 10.11.2015 by the Deputy Superintendent of Police, to which the respondent Superintendent of Police, State Vigilance Bureau, Hisar, verified and sent the same to the Director General of Police, State Vigilance Bureau, Haryana, Panchkula, vide memo dated 18.11.2015. On this basis, it is asserted that the order passed by this Court has been duly complied with.

4. Counsel for the petitioner asserts that he has received the report as submitted by the Deputy Superintendent of Police, State Vigilance Bureau, Hisar, under the Right to Information Act and has found that the findings returned in the said report is contrary to the records especially with reference to the details of the mobile phone location and calls which were the basis for claiming innocence on the part of the petitioner and therefore, the report is not based on records and is *per se* false. He, thus, contends that the report cannot be relied upon by the respondent.

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5. This contention of the counsel for the petitioner is on the merits of the report which cannot be gone into in contempt proceedings. If the petitioner is aggrieved by any action on the part of the respondent, he may avail of his remedy in accordance with law as in the opinion of this Court, the order passed by this Court has been duly complied with by the respondent.

6. The contempt petition is disposed of with above observations.

7. Rule issued to the respondent stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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