

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.209

CWP No.6710 of 2015

Date of decision: 10.02.2016

Jitender Sethi

....Petitioner

versus

Punjab and Haryana High Court, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Khatri, Advocate, for the petitioner.

Mr. N.K. Joshi, Advocate, for the respondents.

* * *

DEEPAK SIBAL, J. (Oral)

The petitioner who is serving as Superintendent in District Jail, Sirsa, has filed the present petition seeking quashing of order dated 27.02.2015 (Annexure P-5) through which on non-production of certain jail inmates, the Judicial Magistrate 1st Class, Bathinda, had directed the attachment of his salary.

In response to the notice issued, the respondents through the District and Sessions Judge, Bathinda, have filed a written statement, the relevant portion of which reads as under:-

*“That it is pertinent to mention here that the accused persons involved in case FIR No.87/14, U/s 302, 148, 149 IPC Police Station Sangat was not produced on the following dates before the respondent No.3 : **06.01.2015, 22.01.2015, 27.02.2015** despite the sufficient notice, hence faced with these hard-pressed circumstances, the impugned order Annexure P-5 was passed by respondent No.3 on the lines of the above referred directions passed by the Hon'ble High Court in a bonafide manner, just to ensure the presence of the*

accused persons in case FIR No.87/14, U/s 302, 148, 149 IPC Police Station Sangat so as to commit the case to the Court of ld. District and Sessions Judge, Bathinda, being the competent court of jurisdiction and the case being committed after accused persons appearance, furthermore in view of the interim order dated April 9, 2015 passed by this Hon'ble Court whereby, in the meantime, operation of the impugned order Annexure P-5 was stayed, the petitioner might be getting his salary and hence, the impugned order Annexure P-5 being of no consequence in these peculiar facts and circumstances of the case in hand the present writ petition has rendered infructuous and may kindly be dismissed as such.”

In view of the aforesaid stand, learned counsel appearing on behalf of the parties submit that the present petition has been rendered infructuous.

Ordered accordingly.

(DEEPAK SIBAL)
JUDGE

February 10, 2016
Jyoti 1