

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM No.M-40531 of 2016
Date of decision:1.5.2017

Hardial Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Amit Rana, Advocate, for
Mr.K.B.Raheja, Advocate,
for the petitioner
Mr.Rajesh Mehta, Addl.AG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Pursuant to the order dated 21.2.2017, an affidavit of the Senior Superintendent of Police, Ferozepur, had been filed on the last date of hearing (30.3.2017), stating therein that the order of this Court dated 15.11.2016 had not been attached with the case file by one ASI Karamjit Singh, the then Incharge of Police Post Khosa Dal Singh, and thereafter, though a copy of the said order was handed over to his successor, ASI Narjinder Singh, he also did not attach the same with the police file. Consequently, a departmental enquiry had been conducted against both the officials.

However, learned State counsel even at that time had pointed out that the petitioner also did not even inform either the arresting officer or the Ilaqa Magistrate, that he had already been admitted to interim bail by this Court on 15.11.2016.

Learned counsel for the petitioner on that date also had informed this Court that subsequently the petitioner was released on bail by the learned Additional Sessions Judge, vide his order dated 27.2.2017, on an application moved under Section 439 Cr.P.C.

This petition had, therefore, been kept pending only to know as to whether the police authorities were actually taking action against the erring officials who had not bothered to even attach the order of this Court dated 15.11.2016 with the police file and had thereafter gone on to arrest the petitioner on 23.1.2017.

Today, another affidavit of the Senior Superintendent of Police, Ferozepur, has been filed in Court by the same learned State counsel, which is taken on record, in which it is stated that an enquiry has already been conducted against the aforesaid two officials and their services have been suspended, they having been found guilty.

Mr.Mehta has also produced in Court today a copy of the show cause notice dated 30.4.2017, bearing endst. no.701/Steno/30.4.2017, stated to have been issued to the aforesaid two officials, asking them why punishment of stoppage of one increment with cumulative effect be not imposed upon them.

He reiterates that though the punishment proposed to the aforesaid officials for an action which otherwise would amount to contempt of Court, may not be adequate, but this Court would also see the petitioners' conduct in not even bringing the order of this Court dated 15.11.2016 to the notice of the Ilqa Magistrate at the time of applying for bail before that Court, which would naturally show that even the petitioner was himself

callous with regard to the order in his own favour.

Keeping in view all the aforesaid facts, including that the petitioner has already been admitted to bail, this petition is disposed of as having been rendered infructuous.

1.5.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No