

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

**COCP No.3497 of 2017(O&M)
Date of decision : 06.02.2018**

Rachhpal Singh

.....Petitioner

Versus

Mandeep Singh Sidhu

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Ms. Avin Kaur Sandhu, Advocate for the petitioner.

Mr. Avineet Avasthi, AAG, Punjab.

* * *

DAYA CHAUDHARY, J. (Oral)

CM No.2441-CII of 2018

This application is for placing on record Annexure A-1.

Application is allowed and Annexure A-1 annexed with the application is taken on record.

COCP No.3497 of 2017

Petitioner has approached this Court by way of filing the present petition for non-compliance of order dated 11.10.2017 (Annexure P-1) passed in CRM-M No.38434 of 2017. The relevant portion of order dated 11.10.2017 is reproduced as under : -

“The petition is disposed of with a direction to SSP, Sangrur, to look into the grievances of the petitioner as contained in representation Annexure P-4 and then to take necessary action, if so warranted by the circumstances, within a period of one month from the date of receipt of a copy of this order.”

In response to notice issued to learned State counsel, status report by way of an affidavit of Shri Mandeep Singh Sidhu PPS, Senior Superintendent of Police, District Sangrur was filed. The relevant extract thereof is reproduced as under : -

“That it is respectfully submitted that in pursuance thereof, the SP, Malerkotla submitted his report dated 02.12.2017 with the findings that pursuant to the receipt of copy of the order dated 11.10.2017 passed in CRM No.M-38434 of 2017 by this Hon'ble Court on 13.10.2017 and in compliance thereof, police parties were sent as security with the petitioner vide DDR Nos. 30, 31, 32, 34 and 43 dated 13.10.2017 recorded at PS Sandaur and vide report No.20 dated 13.10.2017 recorded at Chowki Jorepul, however, the loading did not take place as the truck was not brought. Thereafter, on 14.10.2017, the police party again accompanied the petitioner to the Mandis and paddy was got loaded in peaceful manner vide report No.16 dated 14.10.2017. Thereafter, on 15.10.2017, the police party again accompanied the petitioner to the Mandis vide report No.7 dated 15.10.2017, vide report No.10 dated 15.10.2017. True translated copies of the aforesaid DDRs are being annexed herewith as Annexure R-1/T (Colly) for the kind consideration of this Hon'ble Court.”

It is also mentioned in the affidavit that thereafter the petitioner never approached the police seeking protection either on 16.10.2017 or subsequently, as the appropriate authority cancelled the cartage tender of the petitioner and blacklisted him vide order dated 16.10.2017. Petitioner filed CWP No.23920 of 2017, which was partly allowed vide order dated 11.01.2018 and order of blacklisting was set aside. However, the petitioner was left at liberty to file appropriate proceedings against the concerned parties for any other relief including damages. Petitioner was also held

entitled to make application to the official respondents for refund of any amount lying with them.

Learned counsel for the petitioner submits that protection was not provided in all the Mandis, whereas the requirement of protection was there. Learned counsel also submits that in order dated 11.10.2017, it was clearly mentioned that action was to be taken in case the circumstances required as such.

On perusal of order dated 11.10.2017, it reveals that only direction was issued to the SSP, Sangrur to look into the grievances of the petitioner as contained in representation Annexure P-4 and thereafter, take necessary action under the circumstances within a period of one month from the date of receipt of copy of the order. In pursuance of the directions, the representation of the petitioner has been considered and necessary action has been taken as mentioned in the status report.

No ground is made out to initiate contempt proceedings and the contempt petition stands dismissed.

However, in case the petitioner is still aggrieved in any manner and there is requirement of protection, which is necessary to be provided, the petitioner is at liberty to avail the appropriate remedy.

06.02.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No