

224

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

COCN No. 3541 of 2017 (O&M)

Date of Decision: 06.12.2018

Satya Parkash and another

....Petitioners

Versus

Vijay James

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ajay Kamboj, Advocate
for the petitioners.

Mr. Narender Singh, Advocate
for the respondent.

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for non-compliance of the order dated 16.05.2017 for having issued non-bailable warrants against the petitioner-Satya Parkash in spite of the fact that his bailable bonds had already been accepted at an earlier point of time. It is further contended that in case the petitioner was not present on 29.08.2017, bailable warrants should have been issued at the first instance and not non-bailable warrants.

Learned counsel appearing for the concerned officer brought to the notice of this Court an order dated 02.11.2017 passed in CRM-M-17277 of 2017 wherein the explanation was sought from the concerned officer. Reply to the said explanation was submitted by her on 10.10.2017 which has been placed on record as Annexure R1/3. The Coordinate Bench of this Court while accepting the apology and explanation, simply advised her to be careful in future by observing as under:-

“An explanation dated 10.10.2017 from the concerned officer has been received. It is explained that due to an advertent mistake and oversight the requisite bonds furnished by the petitioners as well as their application moved on 19.05.2017 were tagged at the backside of the main file in a separate file cover. No report or endorsement was available at the time of passing of order dated 24.08.2017. Counsel for the said petitioner had also not appeared before the Presiding Officer and it is on account of bona fide and inadvertent mistake that the said lapse occurred. Petitioner No.1 was ordered to be released forthwith by the learned Duty Magistrate on 04.10.2017 itself. An apology has been tendered and it is assured that due care shall be taken in future. Keeping in view the facts and circumstances, it appears that non-bailable warrants of petitioner No.1 were issued due to a bonafide oversight. Consequently, apology tendered by the learned Chief Judicial Magistrate, Sirsa is accepted. The learned Presiding Officer is advised to be careful in future.”

At the time of issue of notice of motion in the present contempt petition, the order dated 02.11.2017 passed by the Coordinate Bench of this Court was not brought to the notice of this Court.

In view of aforesaid order dated 02.11.2017 vide which the explanation and the explanation of the respondent was accepted, this Court does not deem it proper to proceed any further in the contempt. The present contempt petition is dismissed accordingly.

Rule issued against the respondents is discharged.

(NIRMALJIT KAUR)
JUDGE

06.12.2018
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No