

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.119

CRM-M-42757-2017 (O&M)

Date of decision : 1.2.2019

Rakesh Dogra

..... Petitioner

VERSUS

Sukhdev Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. RS Rana, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks quashing of order dated 23.5.2017 (Annexure P3) passed by the learned Addl. Sessions Judge, Ludhiana, whereby the application for initiating contempt proceedings against the accused-respondents for violation of order dated 26.2.2015 (Annexure P1) has been dismissed.

The facts in brief are that the petitioner was allegedly employed in Hallmark Formulation Pharmaceuticals on contract basis. He could not go for his job for some days as his mother was admitted in hospital. Requisite information was sent to the employer and with his permission an amount of Rs.4,000/- was spent on the treatment of his mother. On 18.9.2014, the petitioner deposited the cash available with him with the Accountant and on 19.9.2014, he was summoned by his employer in connection with accounts. There was some shortfall and the petitioner told his employer that the amount spent by him on the treatment of his mother shall be returned as soon as possible and in case, he fails to do so, the same may be deducted from his salary for August-2014. However, his employer, namely, Neeraj Satija, beat him up severely and snatched his mobile phone.

Two other persons were called to the office and they also assaulted the

petitioner. A writing was obtained from the petitioner regarding an amount of Rs.60-61,000/- being due from him and he was threatened with dire consequences in case the said payment was not deposited within 15 days. Thereafter, the employer of the petitioner, namely, Neeraj Satija, got registered an FIR No.232 dated 30.10.2014 against the petitioner and on 28.11.2014, the Sessions Court passed interim order directing him to join investigation and staying his arrest. On 26.2.2015, the interim order was confirmed. On 1.4.2015, when the petitioner went to join investigation, the Investigating Officer allegedly pressurized him to compromise the matter. He was also illegally detained from 10.00 a.m. to 9.30 p.m. A Panchayati Rajinama was got signed from the petitioner under threat. Thereafter, a police party brought the petitioner to Police Post, Bus Stand, Ludhiana on 15.7.2015. He was given severe beatings and no notice was taken by them of the order of anticipatory bail passed by the Court. He was kept without food and water from 15.7.2016 to 16.7.2016. Attempt was made to get some blank papers signed from him and he was humiliated in the presence of his parents. Thus, the present application was filed for initiation of contempt proceedings. The respondents therein filed replies and denied the allegations made in the application. Vide the aforementioned impugned order, the application has been dismissed.

Learned trial Court has found on the basis of documents produced that there was no violation of the order dated 26.2.2015. It has been observed that the petitioner was asked to join investigation on 1.4.2015, which he did. A Panchayati compromise was effected on that date and the petitioner agreed to return Rs.35,000/- out of misappropriated amount of Rs.61,000/- (approximately). However, he resiled therefrom and

did not respond to repeated phone calls. Thus, application dated 2.7.2015

was moved by Incharge Police Post, Bus Stand, Ludhiana, in the Court of Sh. Jagdeep Sood, ACJM, Ludhiana, who issued warrant of arrest, in accordance with law. It has also been found that the signatures of the petitioner on the Panchayati compromise dated 1.4.2015, are genuine. The said compromise was reached between the parties in the presence of the mother, father, brother and wife of the petitioner, who are witnesses thereto. Allegation of illegal detention and threats were also found to be false. Accordingly, the application has been dismissed.

Having perused record of the case as well as the aforementioned impugned order(s), I do not find any infirmity therein and the petition is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

1.2.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No