

COCN No.9900 of 2018
Date of Decision: 3.5.2019

Mukhtiar Singh

.....Petitioner

Versus

Upinderjit Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ranjan Lakhanpal, Advocate, for the petitioner.
Mr. P.S. Bajwa, Addl. Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

The present contempt petition has been filed for non-compliance of the order dated 6.8.2018, vide which, direction was issued to look into the matter and decide the representation of the petitioner expeditiously and in case the allegations of the petitioner are found to be well founded, necessary steps be taken in accordance with law.

Reply has been filed. As per the same, the Sr. Superintendent of Police, Batala directed the Deputy Superintendent of Police, (Investigation) Batala to carry out the fact finding enquiry into the matter. Deputy Superintendent of Police, (Investigation) Batala has submitted her enquiry report and found that as per the statement of the petitioner-Mukhtiar Singh, the registry of the disputed land was sanctioned by the Civil Court and the Court of Addl. Sessions Judge, Gurdaspur in his favour and that the petitioner was not in possession of the disputed land. The enquiry officer has recommended the cancellation of the FIR. In pursuance to the said report, a speaking order dated 4.1.2019 has been passed.

At this stage, learned counsel for the petitioner submits that the investigation was unfairly carried out. The evidence as shown by the petitioner were not looked into by the police authorities. He has recording

of the incident concerned, which shows that the alleged accused persons had tried to dispossess him. It is further stated that the petitioner was even called in the police station by the concerned police official and was told that now you have filed the complaint, which shall cancel the FIR.

On the last date of hearing, learned counsel for the petitioner sought time to file rejoinder. But no rejoinder has been filed today. However, he prays more time but this Court does not deem it proper to grant any further time in view of the fact that that present Court is only dealing with the contempt petition.

The only direction of this Court was that the respondent shall look into the allegations and if they are found to be well founded, necessary steps shall be taken. The respondent accordingly has got a fact finding enquiry conducted by the Deputy Superintendent of Police, (Investigation), Batala, on the basis of which a speaking order dated 4.1.2019 was passed. Hence, no contempt is made out.

Dismissed accordingly.

Rule issued against the respondent stands discharged.

However, the petitioner is at liberty to raise all the pleas before an appropriate forum, if he wishes to challenge the speaking order dated 4.1.2019 in accordance with law.

(NIRMALJIT KAUR)
JUDGE

3.5.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No