

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

COCP No. 1497 of 2020 (O&M)

Date of Decision: 14.8.2020

Jagjit Singh and others

...Petitioners

Versus

Rakesh Aggarwal and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravi Chadda, Advocate,
for the petitioners.

Mr. Pankaj Bhardwaj, Advocate,
respondent No. 1.

Ms. Deepali Puri, Additional Advocate General, Punjab with
Mr. Aditya Sharda, AAG, Punjab,
for respondents No.2 to 5.

Mr. G.S. Madaan, Advocate,
for respondents No. 6 to 12.

JAISHREE THAKUR, J.

1. The petitioners herein seek to invoke Sections 10 and 11 of the Contempt of Courts Act 1971 read with Article 215 of the Constitution of India against the respondents alleging violation of the order dated 5.3.2020 passed by this Court in Criminal Writ Petition No. 2443 of 2020.

2. The petitioners filed a Criminal Writ Petition submitting that they are whistle-blowers, who had highlighted the illegal encroachments made in the market where the petitioners themselves were doing business. The private respondents as mentioned were illegal encroachers in the said market and were constantly issuing threats to the petitioners to cause destruction to the business as also to cause harm to the petitioners and had

in fact demolished the shop of the petitioners. On the basis of the said allegations, protection was sought from the respondents with a prayer that they be allowed to continue the business. This Court by order dated 5.3.2020 disposed of the petition by passing the order, which is reproduced as below:

“Having heard the learned counsel for the petitioners and while refraining from making any expression as regards veracity of averments made in the petition, the petition is disposed of with a direction to respondent No.3-Commissioner of Police, Ludhiana, District Ludhiana to get the aforesaid matter regarding alleged threat perception of the petitioners examined from some responsible officer of the district.

The petitioners would be at liberty to move a proper application before respondent No.3-Commissioner of Police, Ludhiana, District Ludhiana with regard to the aforesaid threat perception, which shall be duly got examined expeditiously in accordance with law. In case, it is found that there is any imminent threat to life, liberty or property of the petitioners, then requisite steps as warranted under law be taken thereupon at the earliest so as to ensure that no harm is caused to life, liberty or property of the petitioners.”

3. Mr. Ravi Chadda, learned counsel for the petitioners, contends that despite the order having been passed for their grievances to be addressed, no action has been taken by the official respondents on their complaints filed on 09.03.2020.

4. Pursuant to the filing of the contempt petition, appearance has been caused on behalf of the respondents and a detailed reply by way of affidavit of Deepak Pareek, IPS, Additional Deputy Commissioner of Police

1, Ludhiana, has been filed on behalf of respondents No. 1 to 5. At the very

outset, it is stated that the answering respondents have the highest regard for any orders passed by the High Court and have not flouted the said order in any manner whatsoever, while further submitting an unconditional apology in case the High court is of the opinion that its orders have been flouted. It is stated that the order dated 5.3.2020 has been complied with in letter and spirit. The threat perception has been examined by a responsible officer of the District, namely the ACP Central who has given his report to the effect that after the initial occurrence of 22.2.2020, no untoward incident has occurred and there is no threat to the life and liberty of the petitioners. It is also stated that after conducting an inquiry and on seeking the opinion of the District Attorney Legal, an FIR has been registered against respondents No 6 to 12 by FIR No 174 dated 9.8.2020 under Sections 147, 148, 149, 427, 448, 452 read with Section 120-B IPC, Police Station Division No. 3, Ludhiana on the complaint of the petitioners. The affidavit has also explained the delay in complying with the order dated 5.3.2020 by submitting that the deponent was busy in implementing the curfew that had been imposed in the State as of the 23rd of March 2020.

5. I have heard the counsel for the parties and have also perused the affidavit filed.

6. This Court by an order dated 5.3.2020 had directed the petitioners to file an appropriate application before the Commissioner of Police, Ludhiana, District Ludhiana regarding threat perception which was to be examined expeditiously in accordance with law. It was directed that in case there is any imminent threat to life, liberty or property of the petitioners then necessary steps as warranted under law would be taken at the earliest to

ensure that no harm is caused to life, liberty or property of the petitioners. The petitioners thereafter moved a complaint on 09.03.2020 which has been duly examined and it was found that there is no threat perception to the petitioners herein at the hands of the private respondents. Based on the complaint, necessary FIR No 174 dated 9.8. 2020 under Sections 147, 148, 149, 427, 448, 452 read with Section 120 B IPC Police Station, Division No. 3, Ludhiana, stands registered against respondents No. 6 to 12. In the opinion of the court, there has been due compliance of the order dated 5.3.2020. The delay, if any, is neither wilful nor deliberate, given the present circumstances when a curfew had been imposed on the entire nation on account of COVID-19 pandemic from 23.03.2020 and only partially lifted in the month of May 2020.

7. Accordingly, in the light of the position as noted above, the contempt petition is disposed of.

(JAISHREE THAKUR)
JUDGE

14.8.2020
prem

Whether speaking/reasoned	Yes
Whether reportable	No