

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

CROCP-87-2019

Date of Decision:06.02.2020

Court on its own Motion

... Petitioner

Vs.

Investigating Officer-SI-Subhash Chander

... Respondent

CORAM : HON'BLE MR. JUSTICE JASWANT SINGH

HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sahil Sharma, Advocate (*Amicus Curiae*).

Mr. R.D. Sharma, D.A.G. Haryana alongwith
Contemner/SI-Subhash Chander (Investigating Officer).

JASWANT SINGH, J. (Oral)

The instant contempt petition has been registered in the light of observations recorded by the learned Single Judge of this Court in his order dated 02.12.2019 passed in CRM-M-49271-2019.

It transpires that in the proceedings of the aforementioned criminal miscellaneous seeking grant of regular bail in FIR No.444 dated 02.11.2017 registered under Sections 384/420 IPC to the accused, the respondent-contemner, to a query put by the Court, had initially stated that “Statement of the victim was not recorded”, however, after two minutes corrected himself by stating that “Statement of the victim was recorded”, thus inviting a reference for the present contempt proceedings.

Upon notice, an affidavit dated 09.01.2020 has been filed by the respondent-contemner (Sub Inspector of Haryana Police), which has been attached with the main file of CRM-M-49271-2019. Paras-2 and 3 of the same reads as under:

“That the deponent has appeared before this Hon'ble Court in CRM-M-49271-2019 on 25.11.2019 along with Sh. Anmol Malik, learned AAG, Haryana, and this Hon'ble Court asked the deponent whether the statement of victim was recorded or not recorded. The deponent could not hear the question put by this Hon'ble Court properly and Sh. Anmol Malik learned AAG Haryana repeated the question and when deponent given reply then this Hon'ble Court passed the order dated 25.11.2019 against the deponent.

3. That the deponent had no intention to mislead this Hon'ble Court. The deponent always discharged his duties honestly during his service and one chance may please be granted to the deponent and deponent will not repeat such mistake in future regarding such type of mistake and a lenient view may please be taken.”

Even at the time of hearing today, respondent-contemner has expressed his regret of such a mistake having been overawed by the occasion and the proceedings. We accept the oral explanation and also the written unconditional apology.

Accordingly, Rule is discharged and the present contempt petition is disposed of.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

06.02.2020
rajeev

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**