

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCF No.28 of 2021
Date of Decision : 08.01.2021

Sushil Kumar

...Petitioner

Versus

S.S. Shrivastava

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vaibhav Sehgal, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petitioner under Section 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondent for intentional and willful disobedience of order (Annexure P-1) dated 22.12.2020 in CRWP No.10659 of 2020 in case titled as '**Sushil Kumar versus State of Punjab and others**'.
3. Learned counsel contends that while taking into account that there were some threat perception to the petitioner and some police officials may also be involved as certain allegations had been levelled in respect of forgery of the *ruqa*, this Court vide order (Annexure P-1) dated 22.12.2020, in CRWP No.10659 of 2020 directed the ADGP (Security) Punjab to look into the matter qua the threat to the petitioner, in view of the repeated murderous assaults made upon him and to ensure his safety and if deemed appropriate to depute more than one armed gunman as security personnel with the petitioner to protect his life and liberty during

the pendency of the trials in respect of the FIRs lodged at his instance.

4. Learned counsel contends that despite the petitioner having approached the AGDP (Security) Punjab, for compliance with the aforementioned directions, the petitioner was informed by the respondent that since he was not a party in the CRWP, therefore, he could not take action in the matter. Learned Counsel contends that in the circumstances, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 22.12.2020 in CRWP No.10659 of 2020 despite the urgency involved for providing appropriate protection forthwith in view of the brutal attack on the petitioner and the concern noted in the order of the Hon'ble High Court.

6. Notice of motion.

7. Ms. Deepali Puri, learned Addl. A.G., Punjab accepts notice on behalf of the respondent and on instructions from the respondent states that the allegation of the respondent refusing to take action in the matter is absolutely false and in fact, the ADGP on coming to know of the orders of the High Court had forthwith sought assessment of threat perception qua the petitioner and appropriate action would be taken on receipt of the report regarding the same but keeping in view the sensitive nature of the matter, as well as orders dated 22.12.2020 in CRWP No.10659 of 2020, decision has been taken to provide 02 PSOs to the petitioner in addition to the PSO already provided for protection of the life and liberty of the petitioner till receipt of report of threat assessment.

8. The same satisfies learned counsel for the petitioner, who states that

in the circumstances, he does not press the contempt petition and the same

may be disposed of in view of the assurance held out by the respondent.

9. Accordingly, in view of the assurance held out by the ADGP (Security) through the learned State Counsel to protect the life and liberty of the petitioner, by providing 02 PSOs till the assessment of threat perception to the petitioner, in addition to the 01 PSO already provided to him for ensuring the protection of life and liberty of the petitioner, the contempt petition is disposed of, as not pressed at this stage. 02 PSOs in addition to 01 PSO already provided to the petitioner be provided to the petitioner today, positively by 1400 HRS.

It is further directed that if on assessment of threat perception, security cover provided to the petitioner is sought to be varied contrary to the assurance held out by the respondent as noted in today’s order, the petitioner be given 02 weeks notice in writing against written acknowledgment and further action in the matter be taken only after the expiry of 02 weeks from the date of written acknowledgment by the petitioner of intimation of the decision by the authorities.

10. Contempt petition ***disposed of*** with the aforementioned directions.

January 08, 2021

‘Rajneesh’

(B.S. Walia)

Judge

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No