

COCp-78-2021

Date of Decision : 22.02.2021

Harun

...Petitioner

Versus

Narendra Bijarniya, IPS and another

...Respondents

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

Present : Mr. Talim Hussain, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the instant petition is for initiating action against the respondents for intentional and willful defiance of order dated 20.01.2020, in CRM-M-2278-2020.

3. Learned counsel contends that vide order Annexure P/1 dated 20.01.2020, CRM-M-2278-2020, was disposed of by directing the Superintendent of Police, Nuh at Mewat, to ensure that the matter pertaining to FIR No.204 dated 09.11.2019, was got investigated expeditiously, in accordance with law, so that a final report was submitted thereupon, at the earliest, but despite lapse of more than one year, no progress has been made in the investigation, resultantly, final report, has not been submitted, therefore, respondent No.1, is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 20.01.2020, CRM-M-2278-2020.

4. Issue notice to respondent No.1 to show cause as to why

against him for intentional and willful defiance of orders dated 20.01.2020, in CRM-M-2278-2020.

5. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of respondent No.1 and states that reply has already been filed and copy of the same already supplied to learned counsel for the petitioner.

6. Learned Counsel for the petitioner on perusal of the reply states that in view of the steps taken by the respondents as is detailed in Annexures R/1 and R/2, he does not press the Contempt Petition at this stage and the same may be disposed of with directions to respondent No.1 to take appropriate steps to submit final report in terms of order dated 20.01.2020, in CRM-M-2278-2020.

7. A perusal of order Annexure P/2 reveals that as many as 21 raids were conducted to apprehend the accused but their whereabouts are not known, therefore, they could not be apprehended, as a result of which, order Annexure R/1 has been issued declaring a reward for information leading to the arrest of the accused persons Siraju son of Habib, Noor Mohammad son of Habib, Mohammad son of Habib and Habib son of Afzal, all residents of Neemka, P.S. Bichhor.

8. Learned Addl. AG, Haryana, contends that in the circumstances, no contempt is made out but that efforts will be continued to arrest the accused and to complete the investigation so as to enable final report to be submitted at the earliest against the accused named above.

9. In the light of the position as noted above, no Contempt of order dated 20.01.2020, in CRM-M-2278-2020 is made out. Accordingly, the Contempt Petition is disposed of as not calling for any further orders

at this stage while directing respondent No.1 to continue efforts to apprehend the accused named above and to take the investigation to its logical conclusion by submission of final report as expeditiously as possible. Liberty is also granted to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case so warrant. Rule discharged.

(B.S. Walia)
Judge

22.02.2021
'rajesh-ps'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No