

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

COCP No.2446 of 2020 (O&M)
Date of Decision: April 01, 2021

Gurjeet Singh Patran

...Petitioner

Versus

Dinkar Gupta & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. M.S. Joshi Advocate for the petitioners.
Mr. H.S. Grewal, Addl. A. G., Punjab.

HARINDER SINGH SIDHU, J.

Instant petition has been filed to initiate the contempt proceedings against the respondents for non-compliance of the orders dated 25.09.2018, 30.01.2020 and 17.09.2020 (Annexures P-2, P-3 and P-4 respectively) passed by this Court in CWP No.14659 of 2018 filed by the petitioner and one Sukhvinder Singh.

In the aforesaid petition which was filed in Public Interest directions were sought to the official respondents to conclude investigation of Maur bomb blast case in FIR No.14 dated 31.01.2017 under Sections 302, 307, 436, 427 IPC and Sections 3 & 4 of Explosive Substances Act, 1908 registered at Police Station Maur, District Bathinda.

It has been stated that a twin bomb blast took place in the busy Maur Market on 31.01.2017. The bombs were planted in a car at an election rally held by a Congress candidate, as a result of which about 7 persons were killed and 25 were injured. The FIR aforesaid was registered on the statement made by Inspector Shiv Chand, SHO, P.S Maur.

Vide order dated 25.09.2018 (P-2), this Court disposed of the writ petition with directions to the SIT constituted to investigate the case to

complete investigation as expeditiously as possible and submit a report. Liberty was given to the petitioners to revive the writ petition, in case tangible progress was not made in the investigation.

Thereafter, an application bearing CM-18131-CWP-2018 was filed by the petitioners, wherein, a status report was filed on behalf of the respondent-State.

On 18.10.2019, this Court had observed thus:

“We are not at all satisfied with the status report dated 14.12.2018. The investigation so far carried out in the matter is tardy and slow. The fact of the matter is that the FIR was registered on 31.01.2017 and till date the investigation has not been completed. We are of the considered view that in all the cognizable matters, in which the FIRs have been registered, inquiry and investigation should be carried out at the earliest to avoid destruction of evidence.

Accordingly, the earlier SIT constituted and presided over by the DIG is superseded and the Director General of Police (Law and Order), Punjab is directed to constitute fresh SIT within one week from today in the following manner:-

- 1. Director General of Police (Law and Order),*
- 2. Inspector General of Police,*
- 3. Senior Superintendent of Police,*
- 4. Deputy Superintendent of Police and other subordinates.*

The newly constituted SIT shall carry out the investigation and complete the same within a period of three months from today and put up the challan, in accordance with law.

A certified copy of the order be sent to the Secretary, Home, Punjab, for due compliance. The Director General of Police, Law and Order, Punjab shall file the status report after three months. He shall be personally liable to implement the order in letter and spirit.

The report after its perusal is resealed in the presence of the learned Advocates with a further direction to keep the same

in safe custody of the Registrar (Judicial).

List on 30.01.2020.”

On 17.09.2020, this Court while disposing of the application CM-18131-CWP-2018 passed the following order:

“This case has been taken up for hearing through video-conferencing.

CM-9081-CWP-2020

Heard. With the consent of learned counsel for the parties, the hearing of CM-18131-CWP-2018 is pre-poned to today.

CM-18131-CWP-2018

On 18.10.2019, this Court passed the following order:-

“xxx xxx xxx”

In sequel to the order dated 18.10.2019, the Special Investigating Team (SIT) has concluded the enquiry and investigation. The challan has been put up before the trial Court on 29.01.2020. We show our displeasure that till date, the main accused have not been arrested. All out efforts be made to arrest them within a period of two weeks. However, liberty is reserved to the petitioners to approach the trial Court to seek further directions in accordance with law, if the circumstances so warrant. In view of this, no ground has been made out for revival of CWP-14659-2018.

Application stands disposed of.”

The Court noted that challan had been filed in the case. Liberty was reserved to the petitioner to approach the Trial Court to seek further directions in accordance with law. The respondents were directed to make efforts to arrest the main accused. The prayer of the petitioner for revival of the writ petition was dismissed.

Contending that the SIT has not made any tangible progress in the investigation and failed to arrest any of the accused in the case the petitioner has filed the present Contempt Petition.

On the last date of hearing i.e 19.01.2021, a status report was filed on behalf of the respondent-State of Punjab in a sealed cover. The report has been perused.

In the report the details of the efforts made by the respondents to arrest the accused have been listed. It has been stated that after the passing of the order dated 17.09.2020, four teams have been constituted under the supervision of a Superintendent of Police (Investigation), Bathinda to conduct raids on the houses of the relatives/ sympathizers of the accused. Details of as many as 50 raids that have been conducted at the houses of relatives/sympathizers have been given, but no clue of the whereabouts of the said accused were found. It has been stated that verification of the movable and immovable properties of the accused has been got conducted. No property has been found to be registered in the names of accused Avtar Singh and Gurtej Singh. A tractor bearing Reg.No.HR24E-6436 and one Scooty bearing Reg.no.HR24Y-2890 have been found to be registered in the name of accused Amrik Singh. A request has been made to the concerned Regional Transport Officer not to transfer the said vehicles from the name of accused Amrik Singh. Similarly, a letter has also been written to the Deputy Commissioner, Sirsa to make an entry in the revenue records, to not transfer the ownership of land measuring 9 Kanal 2 Marlas situated in village Shahpur Begu and a plot measuring 96 square yards in village Khaju Khera, which was found to be in the name of accused Amrik Singh. A three member technical team has also been constituted to co-ordinate and assist Inspector General of Police, Bathinda Range, Bathinda and the Senior Superintendent of Police to provide technical inputs to apprehend the Proclaimed Offenders at the earliest. Look Out Circulars (LOC) have been issued in case they try to leave the country. Passports of the two accused (Gurtej Singh and Amrik Singh) have already

been revoked and revocation of the passport of third accused (Avtar Singh) has also been requested.

The status report details the earnest efforts of the SIT in arresting the absconding accused.

In view of the above, it cannot be said that there is any wilful disobedience on the part of the respondents in complying with the directions contained in the orders dated 25.09.2018, 30.01.2020 and 17.09.2020 passed in CWP No.14659 of 2018.

However it is expected that the respondents shall continue with the efforts to arrest the absconding accused persons.

The report after its perusal is resealed with a direction that it be kept in safe custody of the Registrar (Judicial).

The Contempt Petition is disposed of accordingly.

April 01, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No