

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

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CWP-4544-2022

Date of decision: 28.10.2022

YOGESH GUPTA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Ms. Monika Thakur, Advocate for
Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant Writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of Certiorari for striking off the remarks recorded in the order dated 15.11.2021 (Annexure P-2).

Para 7 of the aforesaid order giving rise to the institution of the present petition reads thus:

“The contents of the application give an impression that Sh. Yogesh Gupta, Advocate wants to overawe the process of the Court and attempts to threaten the Court for seeking favourable orders and judgments. No doubt, the present application which is highly contemptuous and casts aspersion on this Court and its staff. Warrant issuance of a notice for initiation of contempt proceedings but this Court refrains from doing so in order to maintain a workable, comfortable and cohesive atmosphere in the Court for the cause of General Public at large, which hopes for justice after having exhausted all ways and

means.”

Learned counsel for the petitioner had filed the present petition raising a ground that the recording of the aforesaid remark was not necessary for the adjudication of the controversy before the Court and that such remarks was uncalled for. Besides, the said remark was not passed after affording any opportunity to the petitioner.

At the stage of issuance of notice of motion, all other challenges had been given up by the petitioner & merits of the order are not being disputed. The same has been re-iterated at the bar today as well.

Upon notice having been issued, Sh. Gaurav Dutta, Advocate has also entered appearance on behalf of the Presiding Officer-respondent No.2 and conveys that he has no objection to the aforesaid remarks being expunged from the impugned order dated 15.11.2021.

Accordingly, the present petition is thus allowed with the consent of the parties, to the aforesaid extent by expunction of the remarks in para No.7 as incorporated in order dated 15.11.2021 passed in the matter of “Rakesh Kumar versus State of Punjab” arising out of FIR No.14 dated 11.02.2019 under Section 188 IPC registered at Police Station Phillaur and noticed above. The rest of the order dated 15.11.2021 would remain unaltered.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 28, 2022

Vishal sharma

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