

[115] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.421 of 2022

Date of Decision :11.10.2022

Court on its own motion

...Petitioner

versus

Iqbal Singh Dhaliwal, Superintendent,
New District Jail, Nabha

....Respondent

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

Present : Mr. Abhishek Jindal, *Amicus Curiae*.
Mr. Ayush Sarna, Asstt. AG, Punjab.

B.S. Walia, J. (Oral)

[1] Vide order dated 18.03.2021 in CRM-M No.7544 of 2020 in case titled as 'Neeraj HarsanaversusState of Punjab', the petition for regular bail was disposed of by directing the learned trialCourt to dispose of the petitioner's trial within six months from the date of receipt of copy of the order in accordance with law. Thereafter, in CRM-M No.12409 of 2021 in case titled as 'RahulBhativersusState of Punjab' and CRM-M No.14716 of 2021 in case titled as 'Tarandeep Singh @ BobbyversusState of Punjab', while taking note on the fact that despite order dated 18.03.2021 in CRM-M No.7544 of 2020 in case titled as 'Neeraj Harsanaversus State of Punjab', trial had not been concluded within six months from the date of receipt of copy of the order and no request for extension of time to dispose of the trial had been received from the trial Court, report was called from the learned District and Sessions Judge, SAS Nagar, Mohali as to why the directions of the Court to conclude the trial within the stipulated period of time had not been

complied with. Thereafter, on consideration of the report of the learned District and Sessions Judge, SAS Nagar, Mohali, order dated 16.12.2021 was passed in CRM-M No.12409 of 2021 and in CRM-M No.14716 of 2021, requiring the Superintendent, New District Jail, Nabha and SSP, SAS Nagar, Mohali to show cause as to why proceeding under the Contempt of Courts Act, 1971 be not initiated against them on account of stand in the report of the learned District and Sessions Judge, SAS Nagar, Mohali, that the trial could not progress primarily because of the failure of the jail authorities to produce accused-Tarandeep Singh @ Bobby, Rahul Bhati and Neeraj Harsana, despite repeated orders by the learned trial Court.

[2] On 23.12.2021, proceedings under the Contempt of Courts Act, 1971 were dropped against Mr. Navjot Singh Mahal, SSP, SAS Nagar, Mohali, while the matter against Mr. Iqbal Brar, Superintendent, District Jail, Nabha, was adjourned to 17.01.2022, by requiring him to file affidavit in response to notice issued to him, besides notice was issued to Mr. Snehdeep Sharma, AIG (STF), Ludhiana as to why proceeding under the Contempt of Courts Act, 1971 be not initiated against him. On 10.02.2022, after considering the reply filed by Mr. Snehdeep Sharma, PPS, AIG (STF), Ludhiana Range, Ludhiana, Rule against him was discharged, while the case was adjourned to 17.02.2022 to enable filing of the affidavit of the Superintendent, New District Jail, Nabha. On 17.02.2022, order was passed in CRM-M No.12409 of 2021 in case titled as '**Rahul Bhati** versus **State of Punjab**' and CRM-M No.14716 of 2021

BobbyversusState of Punjab****', after considering a short affidavit of Mr. Iqbal Singh Dhaliwal, Superintendent, New District Jail, Nabha that the contempt matter be put up as per roster.

[3] On 09.03.2022, Mr. Abhishek Jindal, learned Counsel, was appointed as *Amicus Curiae* to assist in the matter.

[4] Learned *Amicus* has referred to order dated 21.04.2022 in CRM-M No.12409 of 2021 decided on 21.04.2022 in case titled as '**Rahul Bhativersus**State of Punjab****' as per which, the Court was of the view that it was not desirable to release the petitioner on bail at the fag end of the petitioner's trial therefore the learned trial Court was directed to finally dispose of the petitioner's trial within one month from the next date fixed before it and further that in terms of the aforesaid liberty, the Court of the learned Additional District and Sessions Judge, SAS Nagar, Mohali, in compliance of order dated 21.04.2022, concluded the trial of the petitioner's in case titled as '**State of Punjabversus**Akhtar Hussain and others****', CIS No.NDPS-62-2018, FIR No.22 dated 29.12.2017 under Sections 21/22/29/61/85 of NDPS Act, Police Station Special Task Force, Phase-IV, SAS Nagar, Mohali vide judgment dated 25.05.2022 within the time frame as directed by Hon'ble the Punjab and Haryana High Court.

[5] Learned *Amicus* contends that in the circumstances, the needful having been done and the trial of the accused in the aforementioned FIR having been concluded within the extended period of time and the accused Tarandeep Singh, Rahul Bhati and Neeraj

Act vide judgment dated 25.05.2022 by the learned Judge, Specail Court, SAS Nagar, Mohali, UID No.PB0127, no further action is called for in the instant case.

[6] I have considered the submissions of learned Amicus Curiae and view of the position noted above, especially of the trial having been concluded within the extended period of time granted by this Court vide order dated 21.04.2022 in CRM-M No.12409 of 2021 in case titled as '**Rahul Bhati**versus**State of Punjab**', am of the view that no action is called for against the respondent under the Contempt of Courts Act, 1971. Contempt petition is accordingly *disposed of*, as such.

[7] *Rule discharged.*

[8] While disposing of the petition, it is deemed appropriate to record the appreciation of the court for the meticulous preparation and able assistance provided by the learned *Amicus Curiae*.

(B.S. Walia)
Judge

11.10.2022
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>