

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

COCp-2390-2021

Date of Decision : 17.02.2022

Shivam Jindal ...Petitioner

Versus

Varinder KumarRespondent

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

Present : Mr. Sunny Kumar Singla, Advocate for the petitioner.
Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J.

[1] Prayer in the petition under Sections 10 & 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India is for initiation of proceedings against the respondent for intentional and willful defiance of order (Annexure P-1) dated 14.01.2021 in CRM-M No.1799 of 2021.

[2] A perusal of order (Annexure P-1) dated 14.01.2021 in CRM-M No.1799 of 2021 reveals that the writ petition was disposed of with a direction to the Director, Bureau of Investigation, Punjab to constitute a SIT to investigate the FIR and submit final report before the Illaqa Magistrate within 04 months from 14.01.2021 and in the meantime, the police authorities were directed to look into the threat perception to the petitioner as stated in his complaint and take appropriate action.

[3] Learned counsel contends that the petition was filed on account of failure of the respondent to do the needful.

[4] In compliance of orders dated 01.11.2021, status report has

Punjab, Chandigarh. Operative part of the same is reproduced as under:-

“6. In compliance of the order dated 14.01.2021 of Hon’ble High Court, the investigation report by the SIT vide report No.410/R/AIG/State Crime dated 7.10.2021 submitted to the office of Director Bureau of Investigation for the approval and legal opinion. The report of SIT was got approved by the office of Director Bureau of Investigation and a letter issued to SSP Malerkotla for compliance vide letter No.32120 dated 14.12.2021 to take further necessary action as per law against Shivam Jindal (petitioner) and the final report be submitted before the Illaqa Magistrate as directed by the Hon’ble High Court in order dated 14.01.2021.

7. On the basis of the approval of report, Petitioner Shivam Jindal has been arrested by Malerkotla Police in Police Station City Malerkotla on 15.12.2021 and now he is on 2 days police remand. Information/Special Report regarding arrest of Petitioner/accused Shivam Jindal has also been sent to Illaqa Magistrate. ”

[5] Learned AAG on instructions from ASI Amritpal Singh, has brought it to the notice of the Court that final report on the basis of investigation conducted by the SIT constituted to investigate the FIR has been submitted before the Illaqa Magistrate on 14.02.2022.

[6] Learned Counsel for the petitioner states that in view of the position noted above as well as statement of learned AAG, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of, as such.

[7] Learned AAG contends that the delay in compliance was on

taken by the SIT to conduct investigation, *Polygraph / Lie Detector Test was conducted*, and on receipt of report from the FSL and finding the stand of the petitioner to be deceptive, report was submitted by the SIT vide No.410/R/AIG/State Crime dated 07.10.2021 for approval by the Director Bureau of Investigation whereafter letter was issued to the SSP, Malerkotla for compliance vide letter No.32120 dated 14.12.2021 by taking necessary action as per law against the petitioner and lastly final report was submitted before the learned Illaqa Magistrate on 14.02.2022. Learned AAG contends that in the circumstances, no action under the Contempt of Courts Act, 1971 is called for against the respondent.

[8] I have considered the submissions of learned counsel, perused the petition, as well as reply.

[9] Admittedly, after constitution of SIT and investigation of FIR, final report has been submitted before the learned Illaqa Magistrate though not within the stipulated period of time. However, taking into account, the explanation given by learned AAG of the delay being on account of time taken in conducting the investigation, conduct of lie detector test, receipt of report in respect thereto from the FSL, I am of the considered view that there is no deliberate delay in compliance. Accordingly, no action under the Contempt of Courts Act, 1971 is called for against the respondent. However, while disposing of the petition as such, it is observed that in case of inability to comply with the orders of a Court within the stipulated period of time, an application should be moved before the Court which had issued the orders, by the person under

inability to comply with the orders within the stipulated period of time and requesting for extension of time to ensure compliance of orders in letter and spirit.

[9] Petition *disposed of* as above.

(B.S. Walia)
Judge

17.02.2022
'Rajneesh'

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