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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-1426-2017 (O&M)
Date of decision: 09.01.2023

Madan Pal and anr.

... Petitioners

Vs.

Om Parkash and ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioners.

Mr. Amit Prashar, Advocate for respondents No.1 & 2.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate for respondent No.3.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioners are alleging violation of the order dated 04.11.2014 passed by the Additional Sessions Judge, Faridabad, vide which, while deciding anticipatory bail, a direction was issued to the Public Prosecutor to give three days prior notice in case the petitioners are to be arrested.

It is stated that on 05.11.2014, FIR No.324 was registered under Sections 447/506 IPC at Police Station Sadar Ballabgarh and the petitioners were arrested and released on bail on 08.11.2014. It is further stated that arrest is in violation of the order dated 04.11.2014.

Learned counsel for respondent No.3 has referred to the order

dated 02.03.2017 passed by the same Court i.e. Additional Sessions Judge, Faridabad, vide which, after considering all the arguments of both the sides, a detailed order was passed, dismissing the contempt application filed by the petitioners. It is observed in the order that initially, calendra under Section 107/151 Cr.P.C. was filed against the petitioners as well as Krishan Pal and there is no direction in the order dated 04.11.2014 to communicate the directions of giving notice of three days to the concerned SHO and therefore, it is not proved that the order was communicated to the concerned police official.

Since the petitioners have already availed the remedy of filing contempt before the Court of Sessions and instead of challenging the said order, present contempt petition has been filed, in which again the respondents have given an explanation that the police officials were never communicated and they, in exercise of their jurisdiction to maintain law and order, had registered the calendra under Section 107/151 Cr.P.C. and later on, aforesaid FIR was registered.

In view of the above, present petition is rendered as infructuous.

[ARVIND SINGH SANGWAN]
JUDGE

09.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No