

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

**COCp-1186-2003 (O&M)
Date of decision: 10.03.2023**

Court on its own motion

... Petitioner

Vs.

Sakattar Singh etc.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ish Puneet Singh, Advocate for
Ms. J.J. Kaur, Advocate
for the petitioner.

Mr. Kanwaljeet Singh, Sr. Advocate with
Ms. Neha Anand Mahajan, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (ORAL)

This petition is pending since 2003. A reference was made by the Additional Sessions Judge, Gurdaspur under Section 15 of the Contempt of Courts Act, 1971 for violating the order dated 30.03.2001 passed in an anticipatory bail application No.100 of 20.03.2001 titled as State Vs. Ranbir Singh.

In nutshell, it is stated that an FIR No.51 dated 10.04.2001 was registered under Sections 420/34 IPC by the SHO Sakattar Singh. The accused was arrested by SI Ravinder Singh on 11.04.2001 despite a direction given by the Court that 07 days prior notice be given to him before effecting the arrest.

Learned senior counsel for the respondents fairly submits that there is nothing on record to suggest that the respondents were informed about order of the Court that 07 days prior notice was required to be given and in the absence of same, under a bonafide belief, accused was arrested. It is further submitted that affidavit to this effect has already been filed. It is also submitted that without prejudice to his right, in order to finish off the matter in harmonious manner, the respondents are ready to compensate the petitioner by paying Rs.10,000/- each.

Learned counsel for the petitioner, however, submits that violation was intentional.

Be whatsoever, considering the fact that it is an old matter, wherein the trial has already been concluded and in view of specific stand taken by the respondent that they were not aware about order passed by the Additional Sessions Judge directing them to give 07 days prior notice to the accused before effecting arrest, benefit of doubt can be given to the respondents in this regard.

Accordingly, this petition is disposed of with a direction to the respondents to pay Rs.10,000/- each by way of demand draft favouring complainant Ranbir Singh within a period of 30 days from today.

Liberty is granted to the complainant to revive this petition if the amount is not paid by the respondents.

It is made clear that the respondents are not held guilty of contempt, as it is held that they were not aware about the order passed by the Court.

It is also made clear that payment of Rs.10,000/- will have no bearing on pensionary rights of the respondents in any manner.

[ARVIND SINGH SANGWAN]
JUDGE

10.03.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No