

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

COCP-2057-2022

Date of Decision:- 02.06.2023

Sumitra Rani and another

.....Petitioners

Versus

Gaurav Purohit, IPS, DSP, Assandh, District Karnal

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Swati Kataria, Petitioner No.2 in person

Mr. Amit Aggarwal, DAG Haryana

Mr. G.B.S.Dhillon, President,
Mr. Dinesh Jangra, Vice President and
Mr. J.S.Bhatia, Secretary, PHHC Bar Association

ALOK JAIN, J.

1. The present contempt petition under Section 12 of the Contempt of Courts Act, 1972, read with Article 215 of the Constitution of India, has been filed, raising non-compliance of the order dated 28.06.2021 (Annexure P-1) by the respondent passed by this Court in CRWP-8380-2020.

2. During the course of arguments, petitioner No.2, who is a lawyer by profession and is appearing in person, starting levelling allegations against the Court and therefore, the President, Vice President and the Secretary of the Bar were called. The Court was resumed and thereafter, the matter has been heard in their presence, to ensure that petitioner No.2 does not misbehave or break the decorum of the Court.

3. Petitioner No.2 has submits that vide order dated 28.06.2021

passed in CRWP-8380-2020, the following directions were issued:

After hearing the counsel for the parties and in view of the affidavit of the Deputy Superintendent of Police, Assandh, Karnal, in which it is stated that he has recorded the statement of all the private respondents, who have clearly deposed that they will not interfere on the 35 acres of land, which is in the possession of the petitioners, this writ petition is disposed of, with a following directions:-

- 1. It will be open for the petitioners to manage their land themselves or by leasing it out to a third person or to cultivate the same by appointing servants.*
- 2. As and when the petitioners intend to visit their land, they will give an advance notice to the Deputy Superintendent of Police, Assandh, Karnal and he will provide police protection to them in order to visit their land.*
- 3. In view of the statements recorded by the Deputy Superintendent of Police, Assandh, Karnal, of the private respondents that they have cultivated their land at their own and have never threatened the petitioners nor entered in the land of the petitioners and will not raise any objection qua the visit of the petitioners to their land, it is the petitioners, who is in possession of the land and the private respondents are restrained to interfere in the land of the petitioners, in any manner.*

With the aforesaid observations/directions, this writ petition is disposed of.

4. Subsequent thereto, petitioner No.2 approached the police authorities on 14.08.2022 to grant her protection as she wanted to visit her house in Karnal. However, the respondents-authorities informed her that due to Independence Day celebration she should delay the trip by a day.

Thereafter, on 16.08.2022, when she visited her house in Karnal, it

transpired that there had been theft. Petitioner No.2 immediately reported the matter and has relied upon various telephonic calls made by her which have been annexed with the replication as Annexure A-2. She admits that subsequent thereto, FIR No.584 of 2022 was registered, but no action was taken in the said FIR also. It is further contended by petitioner No.2 that it is only on papers that two policemen have been deployed whereas the factual matrix is that there is nobody to protect her property and her mother, who is petitioner No.1 and, therefore, prays that it is only due to the purposeful, negligent act and conduct of the respondent that she has lost her valuables from the house and prays for a compensation of Rs.2 crore and protection from Central Reserve Police Force (CRPF). With these averments, she prays that respondents have committed contempt of Court and there is willful disobedience of directions issued by this Court for which the respondents deserve to be tried and punished after holding them guilty.

However, on a specific query qua the last prayer made by petitioner No.2 qua compensation and protection, she admitted that the same has not been prayed for in the petition, but submits that this Court is law maker and the respondents are behaving as goons to swindle away her property and put her life and liberty in a peril.

5. *Per contra*, learned counsel for the State submits on the lines of the reply filed, that the order passed by the Writ court has been complied with, in its letter and spirit. Learned State counsel submits that vide letter dated 13.04.2022, the petitioner had informed her visit and when on 15.0.2022, the petitioners visited their land, the SHO, Police Station, Assandh as well as Mr. Gaurav Phogat, HPS, DSP were present and a GD

entry was also made. It is further submitted that the respondents-authorities have already deployed two constables for the protection of the petitioners and their property, who shall be on their duty as and when the petitioners approach the DSP, informing them about their visit. The State cannot keep the Force i.e. two constables sit idle outside her house when the petitioners are not ready to visit their own house. Nonetheless, even now, the authorities are bound to abide by any direction qua protection to be granted to the petitioners.

6. Heard the parties at length.

7. A perusal of the file shows that subsequent to the filing of the present contempt petition, a detailed order came to be passed on 09.11.2022, whereby the matter was referred to another Bench. Subsequently, vide order dated 20.12.2022, the status report was called for and directions were issued to the SIT to complete its proceedings and submit its report.

8. Reply, by way of affidavit was filed on 19.01.2023 and thereafter, again the matter was being listed before another Bench which transferred the same.

9. After hearing the petitioner no. 2 and the State counsel at length and considering the matter in its entirety, the present petition deserves to be disposed of in following terms:

(a) The order dated 28.06.2021 be complied with effectively and as and when the petitioners given advance notice to the Deputy Superintendent of Police, Police Station Assandh, Karnal, he will provide police protection to them in order to visit their properties. For the effective compliance of this direction, the Deputy

Superintendent of Police shall share the name and mobile numbers of the police officials deployed for providing protection to the petitioners.

(b) As regards claims of compensation and directing CRPF to grant the security to the petitioners, neither the Union of India is a party in these proceedings nor there is any such prayer in the pleadings and hence declined at this stage.

(c) In case, any application is moved by the petitioners to the Superintendent of Police, Karnal, the same shall be primarily looked into and it will be the responsibility of the respondent-State authorities to protect the life and liberty of the petitioners.

(d) The petitioners are well within their rights to approach the appropriate forum for seeking grant of compensation. However, this court is not giving any liberty or opinion or direction or giving any stamp to the claim of the petitioner, if sought, shall be decided on its own merits and in accordance with law.

10. In view of the above, the present petition is disposed of and the rule is discharged.

(ALOK JAIN)
JUDGE

02.06.2023

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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No