

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CROCP-9 & 10 of 2022 (O&M)
Decided on : 06.12.2023

Court on Its Own Motion

Versus

Inspector Jai Bhagwan and another

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr. Ankur Lal, Advocate for respondent No.1.

Mr. Aditya Yadav, Advocate for respondent No2.

G.S. Sandhawalia, J. (Oral)

The present contempt petitions have been registered on the basis of the reference received from learned District & Sessions Judge, Jhajjar dated 30.05.2022, who had forwarded the order dated 22.05.2022 passed by Shri Dharampal, Duty Judicial Magistrate First Class, Bahadurgarh.

2. The sum and substance of the order of the learned Magistrate would go on to show that the respondents were police officials, who had kept two undertrials namely Ramanand and Himanshu @ Jyoti in lock-up in their underclothings. The said persons had been produced before the said Magistrate and who had inquired regarding the conditions how they had been kept in the police lock-up which fact has led to the passing of the order dated 22.05.2022. Resultantly, the Magistrate was of the opinion that the mandate of the Apex Court issued in the case **D.K. Basu Vs. State of West Bengal, 1996 (4) Crimes 233** has been violated and had also recommended departmental action while also bringing the fact to the notice of the learned District & Sessions Judge, Jhajjar. It is on that basis the matter was initiated against the respondents.

3. The respondents had come present on 31.07.2023 before this Court and resultantly on 17.10.2023 the following order was passed:-

“Learned counsel for the respondents, after taking instructions from the respondents, who are present in Court, submit that they wish to file necessary affidavit regarding the fact that they would pay a sum of Rs.25,000/- (each) to the accused, namely, Ramanand and Himanshu, who had been arrested and kept in lock-up in their underclothing.

It will also be open to the respondents to deposit the said amount before the Court in which the proceedings are pending against the said accused so that the amount can be disbursed to them.

List on 06.12.2023.

Let the aforesaid affidavit be filed on or before the next date of hearing. In case needful is done, respondents need not be present in Court.

Photocopy of this order be placed on the file of other connected case (s).”

4. Today, we are informed that the requisite sum of ₹25,000/- each by the respondents has been deposited. Photocopy of the receipts dated 22.11.2023 and 02.12.2023 have been placed on record.

5. Keeping in view the above facts and circumstances since the said amounts have been deposited and we have already observed that the amount can be disbursed to the accused in the said FIRs namely Ramanand and Himanshu @ Jyoti, we feel that some repentance has been shown by the police officials for their act and conduct.

6. Resultantly, we are of the considered opinion that no further proceedings are liable to be continued as such against the said officials. The contempt petitions are accordingly disposed of. The trial Court shall ensure the amount is transferred in the accounts of the two persons.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

06.12.2023

Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No