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

(209-A)

COCP-2002-2025

Date of Decision : March 06, 2026

Ishwar Dass

.. Petitioner

Versus

Anand Mohan Saharan, IAS and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. J.S. Mundi, Advocate, for the petitioner.

Mr. Aman Mittal, Deputy Advocate General, Haryana.

Mr. Vivek Saini, Advocate, for respondent No.7.

Respondent No.8 in person.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present contempt petition has been filed alleging the violation of the order dated 04.08.2022 (Annexure P-3) passed by the Division Bench of this Court in LPA No.622 of 2022.

2. The order dated 04.08.2022 passed by the Division Bench of this Court is as under:-

“ CM-1478-LPA-2022

Prayer in this application is for placing on record typed copy of FIR No.90 dated 20.03.2017 as Annexure A-1, untraced report dated 06.06.2017 as Annexure A-2 and for exemption from filing the certified copies of the same.

Application is allowed subject to just exceptions.

Documents Annexures A-1 and A-2 are taken on record.

Exemption, as prayed for, is granted.



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CM-1441-LPA-2022

Prayer in this application is for exemption from filing the certified and true typed copies of impugned order dated 18.07.2022 and writ petition with Annexures and true typed/photostat copies of the same.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

LPA-622-2022

Notice of motion.

On the asking of the Court, Mr. Parvinder S. Chauhan, Senior Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Counsel for the respondents prays for an adjournment.

Prayer granted.

Adjourned to 24.11.2022.

No further steps in pursuance to the order dated 20.04.2021 (Annexure P-8) be taken such as registration of FIR etc. till the next date of hearing.”

3. As per the petitioner, the order dated 04.08.2022 was brought to the notice of the concerned police officials and though, the petitioner had telephonic conversation with the Investigating Officer namely Mr. Subhash Chander prior to the time the FIR was registered informing him about the order dated 04.08.2022 passed by the Division Bench but still, the said order was intentionally and willfully disobeyed by Investigating Officer Subhash Chander so as to record the FIR in question for which, he has made himself liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Sh. Subhash Chander, Investigating Officer, who is respondent No.8 has appeared in person today and submits that though an FIR was registered but there was no intention on his part to disobey the order passed

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by this Court intentionally or willfully. He further submits that he tenders unqualified apology for the action/acts being attributed to him and filed an affidavit. The same is taken on record.

5. We have heard learned counsel for the parties as well as respondent No.8- Subhash Chander i.e. Investigating Officer, who appears in person, under whose instructions the FIR was registered on 04.08.2022 being FIR No.352 under Section 409 IPC at Police Station Civil Lines, Kaithal.

6. From the facts which have been brought to out notice, *prima facie*, it transpires that there was a telephonic conversation between the petitioner and the Investigating Officer on 04.08.2022 i.e. before the time of registration of the FIR, which was registered at 07:44 P.M on 04.08.2022. Once it is clear that a telephonic conversation happened between petitioner and the Investigating Officer and the record of the same has been brought before this Court including the letter written by the counsel informing about the interim order passed by this Court which had been conveyed to the Investigating Officer through Whatsapp then, it was his duty to verify all these facts before registering the FIR in question. Concedely, there was ommission of performing his duties on part of the Investigating Officer namely Subhash Chander and he straightaway registered the FIR while ignoring the letter written by the counsel and that too after having a long conversation with the petitioner regarding same aspect.

7. On being asked as to why, the FIR was registered after having conversation with the petitioner an hour before the registration of the FIR and getting a message on his Whatsapp qua the interim order granted by the

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Coordinate Bench of this Court on 04.08.2022, no valid explanation has come forward by the Investigating Officer except for the unconditional apology for the said act done by him.

8. Once, the police officers who are to uphold the sanctity of law and order, acts in a manner so as to violate the order passed by the competent Court of law, how can a better act be expected from general public. The custodians of law cannot turn out to violate the law himself/herself.

9. Though the unconditional apology is being accepted but disappointment is shown qua the conduct of respondent No.8. It is further directed that in case this kind of conduct of respondent No.8 comes to the notice of the Court, not only such action required for the future conduct will be undertaken but even these proceedings will be revived.

10. At this stage, learned State counsel submits that being a welfare State, as it becomes the duty of the State to look into all such kind of acts by the police officers, the violation of Court order as raised in this petition will be enquired into by initiating appropriate proceedings against all the guilty, who connived to register an FIR despite an order passed by this Court restraining the police authority to initiate any criminal proceedings against the petitioner including respondent No.8 Subhash Chander.

11. Any such proceeding initiated, as per the statement of the learned State counsel and the final decision so taken be brought to the notice of this Court.

12. Further, keeping in view the unconditional apology tendered by respondent No.8- Subhash Chander i.e. the Investigating Officer, he is



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reprimanded to remain careful in future rather than imposing sentence upon him especially when in view of the statement of learned State counsel that the police authorities will look into the said conduct by initiating departmental enquiry.

13. The contempt petition is disposed of in above terms.

14. Rule discharged.

(HARSIMRAN SINGH SETHI)
JUDGE

March 06, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No