

2023:PHHC:130629

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

COCP-2136-2023 (O&M)
Date of decision: 09.10.2023

Court on its Own Motion

....Petitioner

Versus

SHO/Inspector Kuldeep Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Veeraj Sharma, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Yogesh Vashista, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

CM-18587-CII-2023

Heard.

Allowed as prayed for.

Affidavits of DSP Jugal Kishor and Inspector Kuldeep Singh dated 25.09.2023 are taken on record.

COCP-2136-2023 (O&M)

This is a reference made by the District & Sessions Judge, Fatehabad for initiating the contempt proceedings under Sections 10 and 12 of the Contempt of Courts Act against Inspector/SHO Kuldeep Singh posted in Police Station Bhuna and Deputy Superintendent of Police (DSP) Jugal Kishor, posted in District Fatehabad.

It is stated that the bail application of an accused namely Kuldeep was filed on 24.03.2023, in which notice was given to the

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Public Prosecutor for 29.03.2023. The Public Prosecutor along with the complainant appeared and file reply to the bail application on behalf of the State. During the course of arguments, some queries were put to the Investigating Officer, ASI Rajpal Singh as to how one of the accused named by the complainant was found innocent and kept in Column No.2 whereas accused namely Vinod and Sunil Kumar, whose names surfaced in the disclosure statement of Kuldeep were arrayed as accused in the present case. On this, ASI Rajpal Singh failed to give any plausible explanation and stated that it is DSP Jugal Kishor, who has ordered to place the name of accused Anup in Column No.2. Accordingly, the Inspector/SHO Kuldeep Singh and DSP Jugal Kishor, were directed to remain present in the Court and file their affidavits. On 03.04.2023, the Inspector/SHO Kuldeep Singh put in appearance, however, DSP Jugal Kishor, did not turn up. The Investigating Officer ASI Rajpal Singh submitted that he has informed both of the officers regarding the previous order for filing the affidavits. Later on, DSP Jugal Kishor, also appeared in the Court, however, as per the reference, he had shown disgrace and disrespect to the dignity and decorum of the Court and with an aggressive body language and in retaliatory tone and tenor of his language, he showed ignorance about the order dated 29.03.2023. Though, ASI Rajpal Singh has submitted that he has informed about the said order to DSP Jugal Kishor. When the DSP Jugal Kishor was directed to file affidavit by 03:00 PM, he did not file the

same, however, appeared late in the Court and informed that the case has already been heard.

It was thus, recommended that DSP Jugal Kishor has conducted himself in a contemptuous nature and the Court has felt humiliated in the presence of litigants, Advocates and staff and apart from this, in willful disobedience of the order of the Court, both the Inspector/SHO Kuldeep Singh and DSP Jugal Kishor, have not filed their respective affidavits.

Along with a reference order, the order dated 03.04.2023 declining the regular bail to Kuldeep is also attached.

Later, the affidavits of both the Inspector/SHO Kuldeep Singh and DSP Jugal Kishor, have been filed in the Court, in which it is stated that the lapse on the part of the respondents is not intentional and is a *bona fide* mistake they never intended to disregard the law of land and dignity of the Court. It is stated that both the respondents were not communicated about the order and therefore, due to paucity of time, the affidavit could not be filed in the Court.

Counsel for the respondents has tendered unconditional apology and submits that both the respondents will remain cautious and will not commit any such disregard to the Court.

However, Mr. Veeraj Sharma, Advocate, who has been appointed as a Legal Aid Counsel to assist the Court, has submitted that the respondents have committed the contempt of Court by showing disregard to the dignity and decorum of the Court.

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After hearing the counsel for the parties, this petition is disposed of with the following directions:-

- (a) *Both the respondents i.e. Inspector/SHO Kuldeep Singh and DSP Jugal Kishor, will appear before the concerned Officer and will furnish their affidavits regarding an unconditional and unqualified apology.*
- (b) *The conduct of both the respondents (Inspector/SHO Kuldeep Singh and DSP Jugal Kishor) will be observed by the concerned Court for a period of 06 months from today and in case of any such repetition, it will be open for the Court to file an application for revival of the contempt petition.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

09.10.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No