

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-2423-2021

Date of Decision :07.02.2022

Navdeep Singh ...Petitioner

versus

Kuljinder Singh, DSP and othersRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Shubreet Kaur, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for punishing the respondents for intentionally and willfully disobeying the directions of this Court as contained in order Annexure P-1 dated 28.05.2018 in CRM-M-22162 of 2018, judgment dated 13/25.10.2019 in CRA-D-610-DB of 2017 and order Annexure P-9 dated 11.04.2019 in CWP-PIL-3189 of 2017.

[3] A perusal of order Annexure P-1 reveals that the Home Secretaries of U.T. Chandigarh, State of Haryana and Punjab were directed to file an affidavit in CRM-M-22162 of 2018 as to whether there was any provision except under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to disclose the caste of the complainant or accused and if there was no provision, then to issue

necessary official memorandum or circular in the Police Department asking concerned police officials not to highlight the caste of a complainant or accused while lodging complaint/FIR. The case was adjourned to 13.07.2018, on which date, learned counsel states that Hon'ble the High Court was apprised that a similar point was in issue before Hon'ble the Division Bench in CWP-PIL-3189.

[4] In order Annexure P/3 dated 25.03.2019 in CRA-D-610-DB of 2017, directions were issued to the Secretaries (Home) to the Governments of Punjab, Haryana and U.T. Chandigarh, to issue instructions to all Investigating Officers not to state/mention the caste of accused, victims or witnesses in recovery memos, FIRs, seizure memos, inquest papers and other forms prescribed under the Criminal Procedure Code, 1973 and Punjab Police Rules. Thereafter, CWP-PIL-3189 of 2017 was disposed of vide order dated 11.04.2019 in terms of order dated 25.03.2019 in CRA-D-610-DB of 2017.

[5] Learned Counsel contends that the respondents violated the orders as referred to above by mentioning the caste of the petitioner, co-accused and witnesses in General Diary Details Annexure P-4 dated 25.03.2019. Learned Counsel further contends that despite the petitioner having brought the orders of the High Court to the notice of the authorities concerned not to mention the caste of the accused, complainant as well as witnesses, no action was taken on the same. However, on query, learned counsel has fairly conceded that the orders of the High Court to the above effect were not brought to the notice of the respondents in writing nor is any date mentioned in the petition, on which

the orders were brought to the notice of the authorities.

[6] Learned DAG, Punjab, on the other hand has produced copy of circular dated 06.05.2019 and 27.12.2021. The same are taken on record and copies thereof supplied to learned counsel for the petitioner. Learned DAG contends that circular dated 06.05.2019 was issued by the Director General of Police, Punjab, Chandigarh to the effect that in view of the directions of the High Court in CRA-D-610-DB of 2017, caste of the accused, victim or witnesses is not to be mentioned in recovery memos, FIRs, seizure memos, inquest papers and other forms prescribed under the Criminal Procedure Code, 1973 and Punjab Police Rules and that the above directions be brought to the notice of the Investigating Officers. Circular dated 27.12.2021 was issued by the Director, Bureau of Investigation, Punjab, Chandigarh to similar effect in terms of decision of Hon'ble the Division Bench in CRA-D-610-DB of 2017 as well as order dated 11.04.2019 in CWP-PIL-3189 of 2017. Learned DAG contends that vide the aforementioned circular, all the SHOs and Investigating Officers were directed to be sensitized to ensure meticulous compliance of the directions of Hon'ble the Division Bench as referred to above. Learned DAG further contends that the alleged violation is in GDA dated 25.03.2019 while the directions of Hon'ble the Division Bench in CRA-D-610-DB of 2017 are also of 25.03.2019, besides the circulars as referred to above have been issued directing meticulous adherence to the directions issued by Hon'ble the Division Bench in the cases referred to above by sensitizing all concerned police officers and in the circumstances, the matter be given a quietus.

[7] Learned counsel for the petitioner also fairly concedes that in view of the circulars as referred to above having been issued, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of as such.

[8] I have considered the submissions of learned counsel for the parties.

[9] Admittedly, directions were issued by Hon'ble the Division Bench in CRA-D-610-DB of 2017 on 25.03.2019 that caste of the accused, victim or witnesses was not to be mentioned in recovery memos, FIRs, seizure memos, inquest papers and other forms prescribed under the Criminal Procedure Code, 1973 and Punjab Police Rules. Pursuant thereto, circular dated 06.05.2019 was issued by the Director General of Police, Punjab, Chandigarh, that aforesaid directions were to be brought to the notice of all Investigating Officers. Similar circular was issued by the Director Bureau of Investigation, Punjab, Chandigarh on 27.12.2021 directing sensitization of all concerned police officials to ensure meticulous compliance of the directions issued in CRA-D-610-DB of 2017 and CWP-PIL-3189 of 2017. Orders dated 25.03.2019 passed in CRA-D-610-DB of 2017, could not be expected to be to the notice of the concerned police officials on the same date itself. Since a circular was issued on 06.05.2019 after the passing of orders on 25.03.2019 and thereafter on 27.12.2021 as well as in view of the statement of learned counsel for the petitioner, I am of the considered view that no action under the Contempt of Courts Act 1971, is called for against the respondents as what is of paramount importance is sensitization of all

concerned police officials in the States of Punjab, Haryana and Union Territory, Chandigarh, to ensure adherence to the orders of Hon'ble the Division Bench in the two cases as referred to above.

[10] Accordingly, in the light of position noted above, no action under the Contempt of Courts Act, 1971 is called for against the respondents and the contempt petition is disposed of as such while directing the concerned official respondents to ensure strict adherence to the orders as referred to above in all official proceedings. In the circumstances, the Director General, Police, Punjab is requested to take steps to ensure that the circulars as referred to above are adhered to by all concerned police officials.

[11] Contempt petition stands disposed of as above.

(B.S. Walia)
Judge

07.02.2022
'Rajesh'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*