



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

137

COCP No.2635 of 2023 (O & M)

Date of decision :-06.08.2025

Jitesh Verma

.....Petitioner

Versus

**Mr. Sandeep Sharma, Senior Superintendent of Police, Kapurthala
and others**

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Maninder Arora, Advocate with
Mr. Harmeet Singh, Advocate
for the petitioner.

Mr. Manmeet Singh Teji, AAG Punjab.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for initiation of contempt proceedings against the respondent(s) for willful disobedience of the order dated 16.10.2019 (Annexure P-1) passed by a co-ordinate Bench of this Court in CRM-M-51835-2018 titled as "Jitesh Verma vs. State of Punjab and others" vide which the said petition was disposed of on the statement of learned counsel for the State, who, on instructions from ASI Gurwinderpal Singh had submitted that the police had prepared a cancellation report on 02.7.2019 and the same will be presented before the Illaqa Magistrate in due course.

It is submitted by learned counsel for the petitioner that the order dated 16.10.2019 (Annexure P-1) has been violated by the respondents, as challan has been presented against the petitioner. It is contended that a statement had been made by the learned State Counsel that



cancellation report had been filed in the FIR. It is submitted that despite that, in contravention of the statement of the learned State Counsel, challan has been presented against the petitioner. It is submitted that this constitutes violation of the order dated 16.10.2019. Accordingly prays that appropriate action be taken against the respondents.

Learned counsel for the State, on instructions from ASI Darshan Singh refutes the submission of the petitioner and submits that departmental enquiry has been initiated against ASI Gurvinder Pal Singh, to enquire into the matter. In this regard, learned Counsel refers to para 6 of the Compliance Affidavit of Smt. Vatsala Gupta, IPS, Senior Superintendent of Police, Kapurthala dated 03.09.2024, wherein it is stated as follows :-

“xxx xxx xxx

6. *That it was further recommended in the report that, by doing so ASI Gurwinderpal Singh 577/Kapurthala has shown carelessness and has shown negligence towards his duty, thus, it was recommended that Departmental Inquiry be initiated against him. That agreeing with the report of the Superintendent of Police, Sub-Division Phagwara, the then Senior Superintendent of Police, Kapurthala passed the Order vide No. 2561-64/PA dated 25.11.2019, whereby Departmental Inquiry was initiated against ASI Gurwinderpal Singh No. 577/Kapurthala as per PPR Rule No. 16.24 and the same was conducted by Sh. Davinder Singh, PPS, Deputy Superintendent of Police, Special Branch, Kapurthala. The copy of the Order vide No. 2561-64/PA dated 25.11.2019 is annexed herewith as **Annexure R-1.***

xxx xxx xxx”



Learned counsel for the State further submits that the petitioner had joined the investigation on 09.4.2024; and the challan has been filed against the petitioner on 10.9.2024; and the next date fixed before the learned trial Court is 09.09.2025 for framing of charges. It is further submitted that the respondents have utmost respect for every direction of this Court; and even in the present case, there is no violation of the order dated 16.10.2019 made out.

Heard.

The petitioner had filed the CRM-M-51835-2018 titled as 'Jitesh Verma versus State of Punjab and others' seeking cancellation of the FIR no. 30 dated 17.2.2018, registered against him, under Section 506/34 IPC (Sec. 295 IPC added later), and 25/27/54/59 of the Arms Act, at Police Station, City Phagwara; and to lodge an FIR against the respondents no. 6 to 9 therein. The said CRM-M-51835-2018 was disposed of by this Court vide order dated 16.10.2019 (Annexure P-1) on the statement made by the learned State counsel on instructions from ASI Gurwinderpal Singh that Cancellation Report had been prepared in the matter on 02.7.2019 and the same will be presented before the Illaqa Magistrate in due course. It is the contention of the petitioner that presentation of the challan against the petitioner in the FIR No.30 dated 17.2.2018 after the above 'undertaking' given before this Court, amounts to violation of order dated 16.10.2019. I find no merit whatsoever in the said contention. On 16.10.2019, this Court was merely apprised of the fact that a cancellation report had been prepared in the FIR on 2.7.2019, which was to be presented before the Illaqa Magistrate in due course. The same cannot by any stretch of the imagination be construed as any 'undertaking' on part of the respondents. In any event, no such 'undertaking' can be given under law, as the power to accept or reject the Cancellation Report is with the Illaqa Magistrate.



Even otherwise, there was no error in the information so supplied to this Court on 16.10.2019 as it is admitted fact on record that as per the information received by the petitioner under the Right to Information Act from the SHO, Police Station Phagwara vide Annexure P-4, Cancellation Report was indeed approved by the concerned authority on 02.7.2019 (mentioned as 2.7.2018 in Annexure P-4).

Even further, as informed by learned counsel for the State, the petitioner had joined investigation on 09.4.2024; and challan was filed against the petitioner on 10.9.2024; and the next date fixed before the learned trial Court is 09.09.2025 for framing of charges.

In view of the above, no further direction is required to be issued in the matter.

Hence, the present contempt petition is **dismissed**.

Rule stands discharged.

Pending application(s), if any, shall stand disposed of.

August 06, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No