

(2014) 11 P&H CK 0076
In the Punjab And Haryana At Chandigarh
Case No : C.R.O.C.P. No. 12 of 2014

Court of its own motion

APPELLANT

Vs

Ram Pal and Others

RESPONDENT

Date of Decision : 10-11-2014

Acts Referred:

Arms Act, 1959 — Section 25
Criminal Procedure Code, 1973 (CrPC) — Section 437(5), 482
Penal Code, 1860 (IPC) — Section 120-B, 149, 302, 307, 323

Citation : (2015) 1 RCR(Criminal) 180

Hon'ble Judges : Sneh Prashar, J; Muttaci Jeyapaul, J

Bench : Division Bench

Advocate : Anupam Gupta, Senior Advocate and Ashok Kumar, Advocates for the Appellant; B.R. Mahajan, Advocate General, Sandeep Vermani, Addl. A.G., K.S. Naiwa, Arshwinder Singh, Additional Advocate Generals, Devinder Singh Punia, Advocate, O.P. Hooda and Ram Kanwar Dhaka, Contemnors, Advocates for the Respondent

Judgement

1. In the present contempt petition, finding that the contemnors Ram Pal and Ram Kanwar Dhaka intentionally disobeyed the directions of this court to appear and face the contempt proceedings initiated by us, we issued non-bailable warrants of arrest as against Ram Pal and Ram Kanwar Dhaka. On execution, they were directed to be brought in Court for the hearing on 10.11.2014. The other contemnor Dr. O.P. Hooda who appeared for the hearing on 5.11.2014 was directed to appear before this Court on 10.11.2014. The contemnor Ram Kanwar Dhaka filed a short reply by way of affidavit informing this Court that he in fact intended to appear before this Court for the last hearing on 5.11.2014 but the members of the National Social Service Committee who gathered at the Railway Station, Chandigarh, did not permit him to proceed to this Court. As the circumstances were beyond his control, he could not attend the Court on 5.11.2014, he has stated further.

2. In our considered view, the above stand of the contemnor Ram Kanwar Dhaka

reflects only his recalcitrant attitude towards the orders passed by this Court against him to face contempt. He has been brought before this Court on execution of non-bailable warrants issued against him. In the interest of justice, he is directed to appear before the learned Chief Judicial Magistrate, Chandigarh, today and the learned Chief Judicial Magistrate, Chandigarh, is directed to release him on bail on execution of a bond to his satisfaction. The contemner Ram Kanwar Dhaka shall bind himself to appear before this Court for each and every date at hearing of this contempt petition, so long as his personal appearance is not exempted.

3. Contemner Ram Pal was not arrested and brought before this Court on execution of non-bailable warrants issued against him on 5.11.2014. We carefully went through the status report submitted by Shri S.N. Vashisht, Director General of Police, Haryana. The police Authorities in fact have come out with two sets of excuses for not executing the non-bailable warrants of arrest issued against contemner-Ram Pal. One of the grounds for not complying with the directions of this Court submitted in the status report is that the police force provided to the State of Haryana was grossly inadequate to maintain law and order. The second ground is that contemner-Ram Pal was found seriously ill as per the opinion of the Medical Board comprised of Dr. M.K. Garg (SMO), Dr. Naresh Satrangi (Physician) and Dr. Gyanender Singh of General Hospital, Hisar.

4. Shri Anupam Gupta, learned Amicus Curiae appointed by this Court rightly submitted that the Deputy Commissioner, Hisar, had virtually travelled beyond the brief and nominated a team of doctors to assess the medical condition of the contemner Ram Pal. He would further submit that there is, in fact, a lack of will-power on the part of the State to arrest contemner Ram Pal and produce him before the Court. He would further submit that the status report smacks of collusion between the State and contemner Ram Pal. He in fact advanced an argument that for the supine indifference and scant respect shown by the State in executing the orders passed by this Court, the Director General of Police, Haryana as well as the Home Secretary, Haryana, should be hauled up for contempt of Court.

5. Shri B.R. Mahajan, learned Advocate General, Haryana, would submit that the local doctor at the district level had been associated in the Medical Board to test the veracity of information passed on by one of the disciples that Ram Pal was ill. Further, he assures the Court that if some more time is granted, the non-bailable warrant issued as against contemner Ram Pal would be executed.

6. Shri R.S. Rai, learned Senior Advocate, would submit that his client Ram Pal would appear before this Court the moment his medical condition is substantially improved.

7. In our considered view, a Medical Board had been constituted by the Deputy Commissioner, Hisar, without any sanction from this Court. If at all, the police Authorities while proceeding to arrest the contemner Ram Pal found that the

contemner was seriously ill and as a result of which, he could not be moved out, the police Authorities should have approached this Court and sought necessary directions. We are not happy with the way in which a Medical Board was constituted, without the authority of this Court, in order to evade implementation of the directions of this Court. We are totally dissatisfied with the view expressed by the Medical Board as regards the health condition of contemner Ram Pal. Further, in our view, such an opinion has been obtained by the Revenue Authorities and produced before this Court only to save the face of the police Authorities.

8. We were informed by Shri Anupam Gupta, learned Amicus Curiae, that a large number of disciples armed with weapons and arms have gathered at the Satlok Ashram, Barwala, where contemner Ram Pal has taken shelter as per the reports Hashed in the Print media.

9. The contemner Ram Pal is under the wrong impression that he cannot be reached even by the long arms of law. When the majesty of law is brow-beaten by a contemner, this Court has the authority to direct the State machinery to employ its might force to reach the contemner to smoke him out even if he holes up in a bunker.

10. In the above circumstances, while rejecting the opinion expressed by the Medical Board as regards the medical condition of contemner Ram Pal, in the interest of justice, we direct the Registry to issue fresh non-bailable warrant as against contemner Ram Pal and direct the Director General of Police, Haryana as well as the Home Secretary, Haryana, to ensure that the non-bailable warrant of arrest is executed and the contemner Ram Pal is brought before the Court on or before the next date of hearing.

11. The contemner Ram Pal who has been charged under Sections , 302, 323, 324, 307 and 120-B read with Section 149 I.P.C. and Section 25 of the Arms Act vide F.I.R. No. 198 dated 12.7.2006, was granted bail by the learned Single Bench of this Court by virtue of order dated 2.4.2008 passed in Criminal Misc. No. 30114-M of 2007. This Court invoking the provisions under Section 437(5) and Section 482 Cr.P.C. is empowered to cancel the bail granted to the contemner if the Court comes to the conclusion that the contemner has abused the process of the Court. Even otherwise, interference with the due process of administration of justice or an attempt made to evade the due course of justice are the grounds for cancellation of bail.

12. In view of the above settled position of law, the Advocate General, Haryana, takes notice for the State of Haryana and Shri Gautam Dull, for Shri R.S. Rai, Sr. Advocate, who appears for the contemner Ram Pal, as per directions of this Court, took notice for the contemner for the proceedings we now initiate for cancellation of bail granted to contemner Ram Pal. The matter he posted for hearing on 17.11.2014. The other contemner Dr. O.P. Hooda shall appear on each and every date of hearing of the contempt proceedings. It is made clear

that the Director General of Police, Haryana and the Home Secretary, Haryana shall be present in Court at 10 AM on 17.11.2014 in the event of non-execution of non-bailable warrant issued as against contemner Ram Pal.