

15

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP No. 3772 of 2018

**Dr. Lucky @Jai Hind Gupta (Aged 34) S/o Heera Lal R/o Tibba Road,
Basti Jodhewal, Ludhiana**

.....Petitioner

Versus

Surinder Pal Khanna, the then Jail Superintendent, Ludhiana

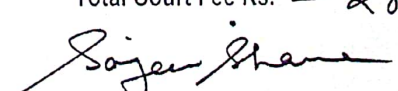
.....Respondent

INDEX

S. No.	Particulars		Dated	Pages	Court Fee
A.	Urgent Form		12/11/2018	A	3-00
B.	INDEX		-do-	B	1-00
C.	Court Fee Form		-do-	C	
1.	Civil Contempt Under Article 215 read with U/s 10 and 12 of Court Act, 1971		12-11-2018	1-5	5-00
2.	Affidavit		12.11.2018	6	
3.	FIR NO. 343 DT.19/8/2017 P.S Basti Jodhewal, Ludhiana	P-1	19.08.2017	7-12	6-00
4.	Complaint made on 19/8/17 by Smt. Chandrakala Thakur on 181 Helpline	P-2	19.08.2017	13-15	3-00
5.	MLR of Lucky@ Jaihind Gupta	P-3	20.08.2017	16-17	2-00
6.	Production Warrant of Lucky@ Jaihind Gupta in FIR No.236 dt.23/06/2017	P-4	06.11.2017	18	1-00
7.	Bail Order passed by Sh. Balwinder Kumar , ASJ/ Ludhiana in F/o Lucky@ Jaihind Gupta FIR No.343/19.8.17	P-5	08.11.2017	19-22	4-00
8.	Order of bail bond acceptance dated 9.11.2017	P-6	09.11.2017	23	1-00
8.	Vide No.1352/9-11-17, Release order of Lucky @ Jaihind Gupta accepted by Jail Superintendent	P-7	09.11.2017	24	1-00
9.	Letter no. 8269/10/11/2017 sent by Jail Auth. to Ld. JMIC for verification of bail of Lucky@ Jaihind Gupta in FIR No. 236/17	P-8	10.11.2017	25	1-00
10.	Letter no.1356 dt.13/11/2017 sent by Ld. JMIC to Jail Superintendent for verification of bail of Lucky@ Jaihind Gupta	P-9	13.11.2017	26	1-00
11.	RTI letter dated 12.11.2018	P-10	12.11.2018	27	1
12.	Power of Attorney		12.11.2018	28	

Total Court Fee Rs. — 28-00

CHANDIGARH SANJEEV SHARMA
Dated: 12.11.2018


COUNSEL FOR THE PETITIONER
(P/863/2013)

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

COCF No. 3772 of 2018

Dr. Lucky @Jai Hind Gupta(Aged 34) S/o Heera Lal R/o Tibba Road,
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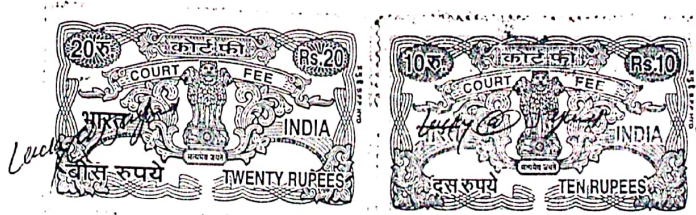
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INDEX (COURT FEES) Rs. 28



[Signature]

CHANDIGARH
Dated: 12.11.2018

[Signature]

SANJEEV SHARMA
COUNSEL FOR THE PETITIONER
(P/863/2013)

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH

Memo of Parties

COCF No. 3772 of 2018

Dr. Lucky @Jai Hind Gupta(Aged 34) S/o Heera Lal R/o Tibba
Road, Basti Jodhewal, Ludhiana.

.....Petitioner

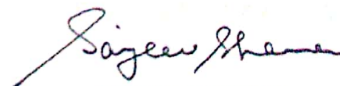
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CHANDIGARH
Dated: 12.11.2018


SANJEEV SHARMA
COUNSEL FOR THE PETITIONER
(P/863/2013)

Petition under Section 2(b) of Contempt of Courts Act, 1971, for willful disobedience by the respondent of judicial decision pronounced by the Hon'ble Court, Ludhiana on 08.11.2017(Annexure-P4) and 09.11.2017(Annexure-P6) in case titled as Doctor Lucky@Jaihind and another Vs.State of Punjab, in FIR No.343 dated 19/8/2017, Under Section 379B, 506, 120B IPC, P.S.-Basti Jodhewal, District-Ludhiana. The contempt was committed by the respondent in not releasing the petitioner on 9.11.2017 and was released on 13.11.2017.

GROUNDS OF PETITION

1. That the petitioner is a citizen of India and working as a Doctor in Ludhiana having his own personal practice.
2. That on 19/08/2017, an FIR No. 343/2017 was registered against the petitioner u/s 379(B) 120B, 506 of IPC at Police Station - Basti Jodhewal, Ludhiana (Annexure P1).
3. On 19/08/2017 at about 5.30 am, the petitioner was arrested by the police officials of P.S.-Basti Jodhewal namely 1)Swarn Singh-ASI, 2)Kapil Kumar Sharma-Incharge Tibba Chowki 3)Harpreet Singh- ASI and others. After this, Smt. Chandrakala Thakur mother of Mukesh Thakur called at help line No.181 through mobile No. 98031-67299 at about 8:30 am. (Annexure-P2)

On 20/08/2017 at about 4:00pm, the police officials produced the petitioner before the Hon'ble court of Miss.Ekta, Judicial Magistrate 1st Class, Ludhiana and thereafter petitioner was medically examined in the Civil Hospital, Ludhiana at about 4:55 pm (Annexure-P3) and was sent in judicial custody.

4. Dr. Sushil Bodh, Ld. JMPC-PCS/Ludhiana has issued a Production Warrant in Case FIR No.236 of 2017 to Jail Authority to produce the petitioner on 06/11/2017 before the Hon'ble Court (Annexure-P4). But the Jail Authority

Sajeev Sharma

3

had not produced the petitioner before the Hon'ble Court, thus Jail Superintendent had violated the order of the Hon'ble Court and committed contempt of court.

5. Vide order 8.11.2017, the Court of Learned ASJ/Ludhiana had allowed the bail application of the petitioner(Annexure-P5) and bail bond was furnished by the petitioner on 9.11.2017 before J.M.I.C./Ludhiana(Annexure-P6) and release order was sent to Surinder Pal Khanna, the then jail Superintendent, Ludhiana on 9/11/2017(Annexure-P7).

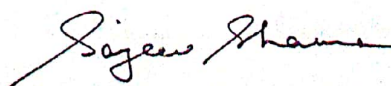
Despite releasing the petitioner, the Jail Superintendent had written a letter No.8269 dated 10.11.2017 to the Hon'ble Court to verify that whether bail had been granted to the petitioner in FIR No.236 of 2017 or not (Annexure-P8). While, the jail officials were requested by the petitioner to check their own record for verification of previous release order in FIR no. 236 of 2017.

6. The Hon'ble Court had issued letter bearing No.1356 dated 13/11/2017 for verification of the bail order dated 07.07.2017 of petitioner in FIR No.236 of 2017(Annexure-P9)

7. That the jail Superintendent had not followed the order dated 08/11/2017 issued by the Hon'ble Court(Annexure-P5). The Jail Superintendent had also not produced the petitioner in the Court on 6.11.2017 in case FIR No.236 of 2017, thus committed contempt of court. The petitioner was detained in illegal custody in Jail from 9.11.2017 to 13.11.2017.

8. POINTS OF LAW INVOLVED

1. Whether not passing an order by the Ld. Presiding Officer when the accused was ordered to be produced in the Hon'ble Court lawful?
2. Whether due to the mistake by the Ld. Presiding Officer on not passing the order on willful disobedience by the respondent of the judicial order pronounced the Presiding Officer results infringement of the legal rights



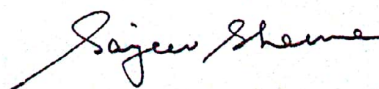
4

of the petitioner to challenge the action of the respondent in Hon'ble Punjab and Haryana High Court in Civil Ordinary Contempt Petition under Section 2(b) of Contempt of Courts Act, 1971?

3. The Trial Courts, Session Courts and Hon'ble High Courts release a lot of accused on bail every day. Whether the Jail authorities again write back to the respective courts for the reconfirmation of their orders on releasing the accused on bail? Whether in the instant case, the Jailer has deliberately written back to the Hon'ble Court for reconfirmation of their order to prolong the action of releasing the petitioner on bail even after furnishing the bail bonds?
4. Whether while releasing the accused on bail after a judicial order has been passed for the same, the Jail authorities are supposed to look into their own records for confirming whether the accused is required in another case?
5. Whether willful disobedience of the judicial order (Annexure-P4 and P5) by the respondent make them liable to be prosecuted under section 2(b) of Contempt of Courts Act, 1971?
6. Whether petitioner is entitled to compensation from the respondent for physical and mental injuries undergone by them?
7. Hence, the Respondent did not release the petitioner on 09-11-2017 and kept the petitioner illegally detained and released him on 13-11-2017 in this manner there is five days illegal detention. Hence, the Respondent is also guilty of illegal detaining the complainant petitioner.

ON MERITS

9. That therefore, the petitioner craves indulgence of this Hon'ble Court for issuance of the appropriate directions and holding the respondents guilty for the



5

offence under the Contempt of Court Act. The majesty of law may be upheld and the respondent may be restrained from over reaching the court proceedings.

10. That thus there is gross willful violation of orders of the Hon'ble Court, Ludhiana committed by the respondent. The respondent is thus liable to be punished under the Contempt Act, on his sheer willful disobedience to the orders of the Hon'ble Court, Ludhiana.
11. That the petitioner has not filed any such similar petition either in this Hon'ble High Court or the Hon'ble Supreme Court of India.

RELIEF SOUGHT

It is therefore, respectfully prayed that the present contempt petition may kindly be allowed and the contemnor may kindly be punished on account of willful disobedience, Civil Contempt Under sections 2(b) of Contempt of Courts Act of 1971, for disobedience of the Judicial decision pronounced by the Hon'ble Court for order dated 08.11.2017 and also for not producing the petitioner on 9.11.2017 to the Hon'ble Court in willful disobedience to the judicial order passed by the Hon'ble Court.

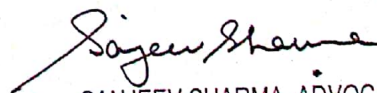
It is also prayed that the petitioner should be given a compensation of rupees five lakhs under section 357(3) of Cr PC for physical and mental injuries undergone by him.

It is further prayed that exemption from filing the certified copies of the annexures may kindly dispensed with, in the interest of justice.

Verification:

It is verified that all the contents of the contempt petition are true and correct to the best of knowledge as my client declared before me. No part of it is false and nothing material has been kept concealed therefrom.

CHANDIGARH
Dated: 12.11.2018


SANJEEV SHARMA, ADVOCATE
COUNSEL FOR THE PETITIONER
(P/863/2013)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCN NO. 3772 /2018

That the petitioner is a citizen of India and working as a Doctor in Ludhiana having his own personal practice.

.....Petitioner

Versus

Surinder Pal Khanna, the then Jail Superintendent, Ludhiana

.....Respondent

Affidavit Dr. Lucky @Jai Hind Gupta(Aged 34) S/o Heera Lal R/o Tibba Road, Basti Jodhewal, Ludhiana.

I, the above named deponent do hereby solemnly affirm and declare as under:-

That the contents of paras no. 1 to 7 and contents of para no. 9 to 11 of the Civil Ordinary Contempt petition are true and correct to my knowledge and the contents of para no. 8 are legal, believes to be true as per the advise sought from the counsel. No part of it is false and nothing has been kept concealed there from.

Chandigarh

Dated: 12.11.2018

Lucky @ Jai Hind
(Lucky@ Jai Hind Gupta)

Deponent

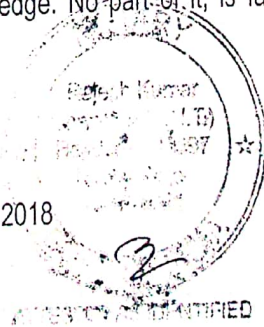
Sojeev
Identified the deponent
who has signed. Thumb
marked in my presence
[Signature]
Signature

Verification:-

Verified that the contents of above affidavit are true and correct to the best of my knowledge. No part of it, is false and nothing has been kept concealed therefrom.

Chandigarh

Dated:12.11.2018



Lucky @ Jai Hind
(Lucky@ Jai Hind Gupta)

Deponent

12 NOV 2018