

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of order : 14.2.2007

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CONT.CAS(C) 43/2006

BHOOP SINGH

..... Petitioner

Through Mr. S.N. Bhardwaj, Advocate

versus

SEES PAL & ANR.

..... Respondents

Through Mr. H.P. Singh with  
Mr. Vivek Kr. Singh, Mr. R.C. Bhadoria,  
Mr. M.K. Tiwari, Advocate  
Mr. Aditya Madan, Advocate for

**CORAM:**

**HON'BLE DR. JUSTICE S. MURALIDHAR**

1. Whether Reporters of local papers may be allowed  
to see the judgment? Yes
2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be reported in Digest? Yes

### **O R D E R**

#### **S.Muralidhar, J. (open court)**

1. This contempt petition was filed on 7.12.2005 complaining of willful disobedience by the Respondents 1 and 2, Head Constable Sees Pal and Sub Inspector Balbir Singh respectively, of an order dated 31.8.2005 passed by this Court in the petitioner's Writ Petition (Criminal) No. 1470 of 2005 (***Bhoop Singh v. State***). By the said order, this Court had recorded the statement of the learned counsel for the respondents that "the petitioner will not be harassed and will

be dealt with in accordance with law in the event he is required in any proceedings.”

2. In the said writ petition in which the above order was passed, the petitioner had expressed an apprehension regarding the safety and security of his son and himself in the following paras:

“7. That the petitioner's son was married on 15.4.2001 and one son was born out of the wedlock on 1st May, 2002. Another child is also expected in about 2-3 months and the whereabouts of the son of the petitioner is not known to the petitioner and the police is conducting raids in day in and day out in order to arrest him and to implicate him in false cases. The petitioner's son is not in a position to live in the house of the petitioner due to terror and threats of the police to him. Even on dates of hearings in the cases before the Patiala House Courts. Petitioner's son is finding difficult to produce himself in the Court and the Police creates Nakabandi in order petitioner's son and to disallow him to attend the Court and further involve him in false criminal cases. Police is also planning to kill petitioner's son is in danger and he can at any time breath his last and police may kill him or may detain him in large number of false cases in order to make him bad character and to obtain order to extern him from Delhi in order to create false evidence and to keep him in Tihar Jail in false cases by misleading the Courts also.

8. That the petitioner is a Government Servant, aged about 51 years and has no criminal record.

9. The petitioner has sent large number of

representations to various authorities including D.C.P. (South West) but no action was taken. Even respondent no.2 did not protect the life of the petitioner or his son Jai Prakash. The erring police officials were not taken to task and petitioner's life is also in danger and threats are being given to him that he will also be arrested in false cases with the result that he will be dismissed from the services of Delhi Transport Corporation to deprive him to take benefits of his retirement, which is still nine years away."

3. The Petitioner, who is working with the Delhi Transport Corporation ('DTC'), says in this contempt petition that despite the above order, he was picked up by Respondents 1 and 2 on 4.10.2005 from his residence at about 7.45 PM and illegally detained for more than 24 hours at the R.K. Puram Police Station, Sector 8. In the present contempt petition, notice was first directed to issue on 16.1.2006 and fresh notice was ordered on 3.3.2006.

4. It appears that on 7.3.2006 the petitioner's son Jai Prakash was killed in a police encounter at Gurgaon Sagar Apartments. The petitioner then sent a telegram on 26.4.2006 to the Commissioner of Police, Delhi as well as the Chief Justice of this Court and Lieutenant Governor in which he made a reference to the pendency of the present contempt petition, to the order dated 31.8.2005 of this Court granting police protection and the fact in the earlier writ petition he had expressed an apprehension regarding "encounter of my son". A

serious allegation made in this Telegram was that “contemner Head Constable Sheesh Pal, Police Station, R.K. Puram, Crime Branch, Sector 8 threatened me on 15/4/2006 to withdraw contempt petition fixed for 31<sup>st</sup> May 2006 before Justice Nandrajog.....”.

5. When this matter was listed before this Court on 31.7.2006, the Court’s attention was drawn to the aforesaid telegram of the petitioner. Thereupon the Court passed the following order:

“The DCP shall ensure the presence of the respondents/ alleged contemnors on the next date of hearing. The DCP concerned shall also look into the complaint of the petitioner and file a brief status report on the next date of hearing.”

The matter was thereafter listed for hearing on 5.10.2006.

6. The status report as directed was not filed by the next date of hearing. The Court then issued the following direction on 5.10.2006:

“Mr. Ashish Gupta appears on behalf of the DCP and submits that the report would be furnished to the court in compliance with the previous directions dated 31.7.2006. Let the report be filed along with an affidavit and copies of **the proceedings conducted by the DCP** within four weeks.”

7. Pursuant to the above order a status report has been filed by Mr. A.S. Cheema, Deputy Commissioner of Police (Crime & Railways) on 8.2.2007 enclosing therewith a communication dated 12.7.2006

whereby the ACP in the office of the DCP (South West) forwarded the complaint of the petitioner. The endorsement on the copy of the petitioner's telegram dated 26.4.2006 shows that it was received in the police headquarters on 27.4.2006. The status report in para 3 states:

**"That an enquiry was conducted by the Deputy Commissioner of Police (Crime & Railways) Delhi Police, deponent herein, about the allegations of the petitioner and SI Sahdev Kumar Rana was made the Enquiry Officer."**

8. From the above statement it is clear that although the Court had in its order dated 5.10.2006 required these proceedings to be conducted by the DCP, the concerned DCP entrusted a task to Sub Inspector. The said Sub Inspector recorded the statement of the petitioner and of the Head Constable Sees Pal and did little else. The report of the SI states that "enquiry was also made in the neighbourhood of the petitioner at Saraswati Enclave, Gopal Nagar but nobody came forward to give any statement or proof the allegations made against the HC Shispal. Moreover Bhoop Singh could not produce any independent witness to prove his allegations against HC Shispal." After narrating the version of HC Shishpal the conclusion arrived at by the SI reads as under:

**"It seems that due to killing of his son Jai Prakash and to take revenge from the police, he is making such complaints to pressurize the police. Presently, Bhoop Singh is not residing at above mentioned address."**

9. The DCP in his status report has virtually reproduced the above paragraphs of the report of the SI and has filed it in this Court as his (DCP's) status report.

10. This Court finds that the conduct of the DCP in not complying with the directions contained in the order dated 5.10.2006 requiring him to conduct proceedings himself, is wholly unjustified and unacceptable. Moreover, considering the fact that the present contempt petition is against the HC Sees Pal and SI Balbir Singh, it is incomprehensible how the enquiry could be entrusted by the DCP to a subordinate officer of the rank of SI. The inquiry conducted by the SI does not inspire any confidence and reveals a casual approach adopted by the respondents to get to the truth. If at all the DCP was not able to conduct the proceedings himself as directed by this Court on 5.10.2006 he should have entrusted it to another senior officer of equal rank and the enquiry itself should have been conducted with the degree of seriousness that was merited considering the events that had transpired during the pendency of the present contempt petition.

11. The status report filed by the DCP also does not acknowledge the previous proceedings in WP(Crl) No. 1470 of 2005 in which the order dated 31.8.2005 was passed by this Court. The Court is unable to know from the status report know what steps were taken by the police

pursuant to the order dated 31.8.2005. The Court is also unable to appreciate how the telegram dated 26.4.2006 was not forwarded for action till 12.7.2006 even within the offices of the Delhi Police.

12. The facts of the case speak for themselves and the respondents hardly need be reminded that they raise serious questions of answerability and the accountability of the police. When this Court entrusted the task to a senior level police officer to conduct an enquiry, that order should have been acted upon with the seriousness it deserved. The Court is constrained to observe that its order dated 5.10.2006 has not been complied with by the respondents in the manner that was expected of them.

13. In these circumstances, the Court finds it necessary to require the Commissioner of Police to look into the matter himself and entrust the enquiry to some senior level officer in the Delhi Police not below the rank of Deputy Commissioner of Police. The enquiry be conducted and completed within a period of six weeks and the report be filed by the concerned inquiry officer in this Court within one week after the conclusion of the inquiry. As a result of the inquiry, if respondents find that any disciplinary action is required to be taken against any of their officers, they can proceed in accordance with law without waiting for

further orders of this Court.

14. List on 17.4.2007.

15. A copy of order be given Dasti to the parties under the signature of the Court Master.

16. A certified copy of order be sent by the Registry to the Commissioner of Police, Delhi within three days.

Sd/-  
**S. MURALIDHAR,**

**J**  
**FEBRUARY 14, 2007**  
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