

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

CRM M-15874 of 2016

Date of decision : 20.05.2016

Dheeraj Kumar & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Saurabh Kaushik, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioners have sought clubbing of case FIR No. 25 dated 25.11.2012 registered under section 12 of Prevention of Corruption Act and 120-B IPC at police station Vigilance Bureau, Patiala alongwith FIR No. 26 dated 27.11.2012 registered at police station Vigilance Bureau, Patiala.

Learned counsel for the petitioners submits that both the FIRs are interlinked with each other as they arose from same transaction. Thus, both the FIRs need to be clubbed. He has relied upon judgment reported as *Mohan Baitha vs. State of Bihar 2001(2) RCR (Criminal) 381*.

I have heard learned counsel for the parties.

First FIR No. 25 dated 25.11.2012 was registered by Vigilance Bureau, Patiala containing allegations that petitioners were indulging in black marketing of wheat stock issued under PDS/BPL scheme at civil supply depot village Hiana Khurd and three other such depots being run by them. They occasionally supplied wheat grains to ration card holders and used to embezzle rest of

the wheat stock. They also tried to give bribe of ₹2.00 lacs to the officials of Vigilance Bureau when they caught them red handed while indulging in black marketing of wheat grains. Other FIR no. 26 dated 27.11.2012 was registered at police station Vigilance Bureau Patiala in which it was alleged that during surprise check at Govt. ration depot of petitioners, it was found that petitioners did not distributed the wheat meant for BPL alongwith other commodities to ration card holders and embezzled an amount of ₹37,05,955. This was being done by petitioners in connivance with officials of Food and Supply department. Admittedly, proceedings in former FIR are nearing culmination. At this stage, petitioners have sought clubbing of both the cases. It is inexplicable why petitioners did not approach this court earlier. In any case, there is difference in the nature of allegations leveled in the two FIRs. All the witnesses sought to be examined by the prosecution may not be same. It cannot be said that both the FIRs are in the nature of same transaction. In the facts and circumstances of the case, judgment in *Mohan Baitha* case (supra) cannot help the case of the petitioners. There is, thus, no ground made out to interfere in inherent jurisdiction of this court. Petition is without any merit and is hereby dismissed.

May 20, 2016

Ajay

(RAJAN GUPTA)
JUDGE