

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

(110)

**CWP-4296-2017 (O&M)
Decided on: March 22, 2017.**

Shiv Kumar and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Suvir Sidhu, Advocate, for the petitioners.

M.M.S. BEDI, J (ORAL)

After arguing the case for some time, learned counsel for the petitioners has submitted that the petitioners, no doubt, are members of one association but the petition appears to be not maintainable for misjoinder of cause of actions as the reliefs claimed qua petitioners No.1 to 22, are different than the reliefs claimed by the remaining petitioners pertaining to safeguarding the rights under Article 21 of the Constitution of India.

A prayer has also been made for stay of arrest of the petitioners and for deferring the proceeding in the Court during pendency of the investigation conducted by Special Investigation Team. A prayer has also been made for monitoring the investigation. It also transpires that a number of FIRs stand registered against petitioners No.1 to 22.

It will be expedient, in the interest of justice, in case the petitioners are permitted to split the cause of actions for the purpose of achieving different reliefs. Besides this, document Annexures P-19 and P-20 sought to be placed on record have come into existence after filing of the writ petition.

In view of above said circumstances, learned counsel for the petitioners seeks permission to withdraw the present petition which is combination of different cause of actions and different reliefs, with liberty to file amended petitions/petition to avail the appropriate remedy, if advised so, under different provisions of law including the one under Section 482 Cr.P.C.

Disposed of as withdrawn without prejudice to the right of individual petitioners to file fresh petitions in view of above said order.

Miscellaneous applications are also disposed of accordingly.

(M.M.S. BEDI)
JUDGE

March 22, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No