

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

CRM-M-12165-2020 (O&M)

Date of Decision: 29.07.2020

Rajesh Wadhwa and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Raman Goklaney, Advocate for the petitioners.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

Mr. Peeush Gagneja, Advocate for the complainant.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in FIR No.71 dated 09.04.2020, under Sections 365, 342, 323, 171, 188, 148 and 149 of IPC (Section 379-B IPC added later on), registered at Police Station Khuhi Khera, District Fazilka.

The following order was passed by this Court on 22.05.2020:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of the pandemic, COVID-19.

CRM No.10717 of 2020

Annexures P7 and P8 are taken on record subject to all just exceptions.

Application is disposed of.

CRM No.11074 of 2020

Prayer in this application is for amendment of the petition.

Notice of the application.

No objection has been raised by learned counsel for the State and the complainant.

Amended petition alongwith Annexures P9 to P11 are taken on record subject to all just exceptions.

Application is disposed of.

CRM No.M-12165 of 2020(O&M)

It is contended that the petitioner is being targeted due to professional rivalry. Two FIRs in quick succession were registered against him i.e., FIR No.57 dated 22.03.2020 and FIR No.39 dated 24.03.2020 under the Excise Act. It is further submitted that during the pendency of the present petition, learned counsel for the complainant had raised an objection that the present petitioner was also being proceeded against under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the 'SC/ST Act'). However, as learned counsel for the State had no information regarding the same, the matter was adjourned. Learned counsel for the petitioner points out to report dated 15.05.2020 wherein three of the co-accused have been proceeded against under the SC/ST Act. It is vehemently argued that the said provisions were added

at a subsequent stage and that too, not against the present petitioner.

Learned counsel for the State and the complainant are unable to deny that three of the co-accused were proceeded against under the SC/ST Act as per report dated 15.05.2020 (Annexure P9) and there is no mention of the same prior thereto. It is further not denied that the petitioner has been afforded the concession of interim anticipatory bail in other FIRs against him, which are now listed for 29.07.2020.

At request, adjourned to 29.07.2020.

To be taken up alongwith CRM No.M-12252 of 2020.

In the meanwhile, petitioner shall join investigation as and when required by the investigating agency and shall fully cooperate in the investigation of this case. In the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jagjit Singh, informs the Court that the petitioners have since joined investigation and are not required for custodial interrogation.

In view of the above petition is allowed. Order dated 22.05.2020 is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 29, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No