

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-PIL No. 82 of 2020 (O&M)

Date of decision:- 24.04.2020

Kamal Deep Sehra, Advocate

.....Petitioner

Versus

Chandigarh Administration and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

**Present:-** Mr. Kamaldeep Sehra, Advocate in person.  
Mr. Pankaj Jain, Sr. Standing Counsel for Union Territory, Chandigarh  
with Mr. Anil Mehta, Advocate for U.T. Chandigarh.  
Mr. P.S.Bajwa, Addl. Advocate General, Punjab.  
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

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**RAVI SHANKER JHA, C.J. (ORAL)**

With the consent of the parties, we have heard the petitioner and learned counsel for the respondents through video conferencing (Webex App software).

The petitioner, a practicing Advocate, has filed this petition alleging that the authorities are simply imposing fine against the persons who are not wearing masks during Covid-19 period contrary to the MHA guidelines whereas such violators have to be prosecuted and dealt with under the provisions of Section 188 of the Indian Penal Code, as mentioned in the MHA guidelines.

Learned senior standing counsel appearing for Union Territory, Chandigarh, learned Additional Advocate General appearing for the State of Punjab and learned Additional Advocate General appearing for the State of Haryana submit that infact the fine is one of the punishment(s) prescribed under section 188 of the Indian Penal Code which is being imposed by the authorities. They, however, submit that in case any individual case of violation is brought to the notice of the authorities, they will take necessary action and will also examine the issue raised by the petitioner herein and if so required issue necessary directions and orders.

In view of the statements made by learned senior standing counsel appearing for Union Territory, Chandigarh, learned Additional Advocate General appearing for the State of Punjab and learned Additional Advocate General appearing for the State of Haryana, the present petition is disposed of in terms thereof.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

14.07.2020  
ravinder

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |