

S.No.105

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

CRM-M-34788 of 2020 (O&M)

Date of Decision:29.10.2020

Rajindernath Mahajan and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. J.S. Bedi, Senior Advocate with Mr. Lovekirat Singh
Chahal, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Nupur Choudhary, Advocate for the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 482 read with Section 438 Cr.P.C for staying the arrest of the petitioners until 10.11.2020 as there is no interim order of stay of arrest in the anticipatory bail application filed by the petitioners under Section 438 Cr.P.C which is pending adjudication before the learned Court of Additional Sessions Judge, Ludhiana in case FIR No.0381 dated 22.10.2020 registered under Sections 409, 419, 420, 465, 467, 471, 120-B IPC at Police Station No.8, Ludhiana.

It is argued by learned senior counsel for the petitioners that the petitioners are the current President and Office bearers of the District

Cricket Association of Ludhiana. Just to prevent the petitioners from taking part in the election process, the present FIR has been manipulated through the intervention and positive connivance of the District Administration officials. This is writ large on the face of it because the present election was required to be held pursuant to the order dated 25.09.2020 passed by this Court. The election was directed to be held by 10th October, 2020; and if there was some problem; then, as per the order passed by this Court, the election was to be positively held; by any means, upto 11th November, 2020. Therefore, the present FIR has been manipulated only on 22.10.2020 because the election schedule was to be announced immediately. The election schedule was subsequently announced on 25.10.2020. Still further, it is submitted by the counsel that it is the Senior Superintendent of Police, Barnala, who is making efforts to contest the election of the President of Ludhiana District Cricket Association (for short, 'LDCA') in connivance with the President of Punjab Cricket Association. Hence, it is submitted by counsel for the petitioners that; the FIR is misuse of the official authority by the district officials designed to oust the petitioners from the process of the election. The case of the petitioners was not considered even by the Court of Additional Sessions judge for grant of interim protection to the petitioners. Hence, it is submitted by the counsel that the petitioners be protected; at least till the date of elections; so that they could participate in the process of the election and they can prevent the public officials from illegally usurping the office of the District Cricket Association.

However, this Court finds that the matter regarding grant of

anticipatory bail to the petitioners is still pending consideration before the Additional Sessions Judge, Ludhiana. Hence, this Court does not find it appropriate to interfere at this stage and to pass any order qua the case of the petitioners. However, the grievance of the petitioners qua public servant seems to be having some prima-facie substance. Hence, the Court of Additional Sessions Judge, Ludhiana is directed to positively decide the application; filed by the petitioners seeking anticipatory bail, positively on 02.11.2020, the date for which the matter is already fixed before that Court. No further adjournment shall be granted under any circumstances; except by granting interim protection to the petitioners, unless the petitioners themselves seek adjournment on that date. It is further ordered that whatever order the Court of Additional Sessions Judge passes on 02.11.2020, shall be immediately uploaded on the website of the District Court and the copy of the same shall also be made available to the petitioners on the same date, if they apply for the same, by paying the prescribed fees.

However, this Court cannot be oblivious of the argument raised by counsel for the petitioners that the Senior Superintendent of Police, Barnala has been a Senior Vice-President of the Association for long and, therefore, there can be possibility of covert tinkering of the process of election due to the influence of the Officers of the District Administration, if any public official participate in the process of election as a candidate. Hence, by exercising its powers under Section 482 Cr.P.C, it is further ordered that no person holding public office shall be permitted to participate

in the process of this election as a candidate unless he has either played Ranji Trophy or he has participated as a player, at least, in a district level tournament and the said fact is verified by the testimonials issued at the relevant times. It is also ordered that no certificate issued freshly shall be entertained during the process of the election for a claim that the concerned public officer had played the above said tournaments.

The present petition is disposed of with the above-said directions.

October 29, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No