

CWP-PIL-29-2021 (O&M) COURT ON ITS OWN MOTION (IN RE-DESIGNATED COURTS FOR MP'S/MLA'S) V/S STATE OF PUNJAB AND OTHERS

CWP-PIL-112-2023 COURTS ON ITS OWN MOTION (IN RE-DESIGNATED COURTS FOR MPS/MLAS) V/S STATE OF PUNJAB AND OTHERS

Present: Mr. Rupinder S. Khosla, Senior Advocate as *amicus curiae* with Mr. Yogender Verma, Advocate and Mr. Aman Sharma, Advocate.

Mr. Pankaj Bains, Advocate for Mr. Shashank Sharma, Advocate for applicant in CM-78-CWP-PIL-2022.

Mr. Satya Pal Jain, Additional Solicitor General of India with Mr. Dheeraj Jain, Senior Panel counsel for UOI.

Mr. Gaurav Garg Dhuriwala, Addl. AG, Punjab.

Mr. Manish Bansal, PP, UT, Chandigarh and Mr. J.S. Toor, APP, UT, Chandigarh Mr. Ankur Mittal, Addl. AG, Haryana.

Mr. Deepak Sabherwal, Advocate for CBI.

Mr. Akshay Bhan, Senior Advocate with Dr. Payel Mehta, Advocate for respondent No.5.

This Court, on 03.11.2023, had expressed serious apprehension about the clogging of the judicial system by a large number of cases under Section 188 IPC read with the Epidemic Diseases Act, 1897 and the Disaster Management Act, 2005. It had also considered taking action across the board to benefit even those accused whose litigation is not being monitored by this Court in the writ petition.

Status reports filed by the learned counsel for the State of Punjab, Haryana and UT, Chandigarh are taken on record. Learned counsel for the CWP-PIL-29-2021 (O&M) and CWP-PIL-112-2023 State of Punjab submits that 5792 cases are pending trial/investigation under Section 188 IPC read with

Section 3 of the Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005 and other offences while about 12000 of such cases have already been disposed of.

Learned counsel for the State of Haryana submits that about 4494 cases are pending trial/investigation under Section 188 IPC read with Section 3 of the Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005 and other offences while a large number of such cases have already been disposed of.

Learned counsel for the State of U.T., Chandigarh submits that about 114 cases are pending trial/investigation under Section 188 IPC read with Section 3 of the Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005 and other offences while about 974 of such cases have already been disposed of.

Learned State counsel pray for time to furnish the details of the cases which are pending investigation/trial under these sections without invoking other sections under the IPC or penal enactments.

Learned counsel for the respondent -High Court submits that in compliance with the directions of the Supreme Court by the order dated 09.11.2023, the Punjab and Haryana High Court has created an independent tab on its website providing district wise information about the details of the special cases pending and the stage of the proceedings. Heard.

The Covid-19 pandemic was an enormous challenge to humanity.

Nation wide lockdown had been imposed to curtail the spread of Covid-19 CWP-PIL-29-2021 (O&M) and CWP-PIL-112-2023 virus and orders were issued by the authorities under Section 188 IPC read with Section 3 of the Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005. People were, by and large, obeying these orders but there could be emergent situations that may have compelled them to venture out of their homes in violations of the orders including the need for food, medicine etc.

While considering the issue of invoking our power under Article 226 of the Constitution of India to quash these proceedings, we deem it appropriate as an interim measure, to direct that the further proceedings in cases registered under Sections 188, 269, 270 IPC read with Section 3 of the

Epidemic Diseases Act, 1897 and Section 51 of the Disaster Management Act, 2005 without invoking other provisions of the IPC or other penal enactments would remain stayed till the next date of hearing.

List on 14.03.2024.

Photocopy of this order be placed in the connected file.