

CRM-M-54698 of 2021 (O&M)

Bikram Singh Majithia vs. State of Punjab

Present: Mr. Mukul Rohatgi, Sr. Advocate
Mr. R.S. Cheema, Sr. Advocate
Mr. D.S. Sobti, Advocate
Mr. Nikhil Rohatgi, advocate
Mr. Misha Rohatgi, Advocate
Mr. Mohit Rai, Advocate
Mr. Somnath Tayal, Advocate
for the petitioner.

Mr. P. Chidambaram, Sr. Advocate
with Mr. Gaurav Garg Dhuriwala, Sr. DAG., Punjab
for the respondent.

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

Learned Senior counsel for the petitioner vehemently argues that apart from the fact that there is inexplicable delay in lodging of the FIR, the FIR itself could not have been lodged because if at all, any material had indeed surfaced against the petitioner, it was incumbent upon the authorities to have firstly sought permission of the competent Court before proceeding against him. It is stated that a fresh FIR, as has been lodged could not have been registered. Learned senior counsel for the petitioner has also referred to various orders passed by the Division Bench of this Court in CWP No. 20359 of 2013 to submit that the matter was being investigated both by the Enforcement Directorate (E.D) and the Special Task Force (STF) as well as the Committee constituted under orders of the Court, but no action for all these long years was taken against the petitioner. It is further submitted that registration of the present FIR is vitiated by political and ulterior motives. The petitioner, it is asserted has no criminal record and is a mainstream politician and undertakes to join investigation, fully cooperate with the investigating agency and abide by any conditions which may be imposed by this Court.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG., Punjab, accepts notice on behalf of the respondent-State.

Mr. P.Chidambaram, learned senior counsel has referred to statements of Mr. Niranjn Singh, Former Deputy Director Enforcement Directorate, Jalandhar, Punjab and Jagdish Singh @ Bhola, recorded on 22.12.2021 and 03.01.2022, respectively, to submit that there is specific, sufficient and clear cut material to connect the petitioner with the offences as alleged.

Let specific response by the State be filed before the adjourned date with an advance copy to learned counsel for the petitioner.

List on 10.01.2022.

January 05, 2022.
s.khan

(LISA GILL)
JUDGE

सत्यमेव जयते