

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

WWW.LIVELAW.IN CWP-14284-2021 (O&M)
Date of decision:- 30.07.2021

Haryana Progressive Farmers Union
...Petitioner (s)

Versus

Union of India and others
...Respondent(s)

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

Present: Mr. Pardeep Kumar Rapria, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Dheeraj Jain, Advocate,
for respondent No. 1.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
for respondents No. 2 and 3.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner challenging the constitutional validity of Section 124 A of the Indian Penal Code, 1860 on the ground that it violates Articles 14, 19(1)(a) and 21 of the Constitution of India.

The petitioner has further prayed for quashing and deleting Sections 124-A and 307 from FIR No. 204, dated 11.07.2021 under Sections 120-B, 124-A, 147, 148, 149, 186, 307, 323, 332, 341, 353 and 427 of the Indian Penal Code registered at Police Station Civil Line, Sirsa.

At the very outset, it is noted that the persons against whom the FIR has been registered are not the petitioners before this Court. There is nothing on record to indicate that the said persons have authorized the petitioner to act on their behalf. The petition has not been filed in public interest either. Not just that, the petitioner : Haryana Progressive Farmers Union is alleged to be a group of advocates formed by the farmers of various Districts in Haryana for the welfare of farmers, whereas the resolution dated 05.05.2019 (Annexure P-1) reveals that a public charitable trust (Sabka Mangal Ho) purports to have formed the Haryana Progressive Farmers Union "as an advocacy group of the Trust". Thus, the petitioner, as such, is no entity in law and for lack of requisite material, we cannot fathom as to how this petition would even be maintainable. That apart, in so far as the constitutional

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validity of Section 124-A is concerned, the same has already been upheld by a seven Judges Bench of the Supreme Court in the case of *Kedar Nath Singh Vs State of Bihar* 1962 AIR 955.

The aforesaid decision of the Supreme Court is final and binding on this Court and this Court has no power to go beyond the said judgement and examine the validity of the provision which has already been upheld by the Supreme Court.

Mr. Satya Pal Jain, learned Additional Solicitor General of India as well as Mr. Deepak Balyan, learned Additional Advocate General, Haryana submit that Writ Petition (Criminal) No. 106 of 2021, Writ Petition (Criminal) No. 217 of 2021, Writ Petition (C) No. 552 of 2021 and Writ Petition (C) No. 682 of 2021 have been filed before the Supreme Court in which the constitutional validity of Section 124A of the Indian Penal Code has been challenged and the same are pending before the Supreme Court.

In the wake of the above, we are choiceless, but to dismiss the petition.

At this stage, learned counsel for the petitioner submits that he be granted a certificate in terms of Article 134A of the Constitution of India to appeal to the Supreme Court.

However, in the given circumstances and as the matter involving similar issues is already pending before the Supreme Court, in our view, the prayer being made by learned counsel for the petitioner is apparently misconceived and is accordingly rejected. The petitioner, however, may join the proceedings pending before the Supreme Court, if so advised.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.07.2021

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No