

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

101+213

**CRM-W-719-2021 in/and
CWRP-242-2021 (O&M)
Date of decision: 8.7.2021**

Rishi

... Petitioner (s)

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. H.P.S. Ishar, Advocate,
for the applicant(s).

Mr. Suneel Sharma, Advocate,
for the petitioner.

Mr. Anupam Gupta, Sr. Advocate with
Mr. Karan Bhardwaj and Mr. Sukhpal Singh, Advocates,
for applicant in CRM-W-560-2021.

Mr. Jaivir Chandail, Addl. Standing Counsel for UT with
Mr. J.S. Toor, APP, UT, Chandigarh.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Ankur Mittal, Addl. AG, Haryana.

Mr. V.M. Gupta, Addl. AG, Punjab.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Sr. Counsel for respondents No.6 and 7.

RAJAN GUPTA, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

This matter was originally initiated on a petition being filed by
jail inmate-Rishi, who complained that he was not being given proper

treatment for Covid in the hospital. Necessary direction was given for the same. In the meanwhile, however, the disease spread and situation became critical. Vide order dated 25.3.2021, this Court, thus, enlarged the scope of this petition and appointed Mr. Rupinder Khosla, Senior Advocate as amicus curiae to assist the Court. Various directions were given by this Court from time to time as the situation demanded and as per assistance/suggestions given by learned amicus curiae, learned State counsel and learned counsel appearing in CRM-W-560-2021. We are happy to note that the directions were carried out and as per Mr. Khosla, learned amicus curiae, inhabitants of the States under jurisdiction of this Court got much needed relief.

Admittedly, second wave in this region has now substantially declined and shown downward trend.

We, thus, wish to give quietus to the case. We place on record our appreciation for Mr. Khosla, learned senior counsel who examined various issues and assisted the Court and also Mr. Anupam Gupta, learned senior counsel, who appeared in CRM-W-560-2021.

In CRM-W-719-2021 moved by Mr. Ishar, on the last date of hearing, following order was passed by this Court : -

“ Present application has been filed for recalling the order dated 27.5.2021 whereby application filed by the applicant was dismissed as withdrawn. It is inexplicable that how the present application is maintainable on the face of Section 362 of the Code of Criminal Procedure.

However, before passing the final order, we seek assistance of learned Advocate General, Haryana to ascertain

the antecedents of the applicant whether he has ever espoused any social cause or has a tendency to indulge in frivolous litigation.

Mr. Satya Pal Jain submits that he shall also assist the court in light of the above observations.

Adjourned to 8.7.2021.”

Today, Mr. B.R. Mahajan, learned Advocate General, Haryana, has apprised the Court that the applicant has never espoused any social cause and on the other hand, he is a habitual litigant. In LPA-740-2017, while dismissing his LPA, a Division Bench of this Court has imposed ₹ 50,000/- as costs on him. A copy of the order is taken on record. However, as we have given a quietus to the main case, we do not wish to pass any further order in the application.

Disposed of.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

July 8, 2021
Paritosh Kumar

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