

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

COCN No. 283 of 2016

Date of decision : 31.05.2017

Pankaj Goyal

...Petitioner

V/s

Dushyant Tayagi & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gurvinder Sandhu, Advocate for the petitioners.

Mr. Rohit Arya, Asst. A.G. Haryana.

RAJAN GUPTA J.

Petitioner alleges violation of judgment delivered by Hon'ble Supreme court in *Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273*. Admittedly, petitioner never preferred an independent petition before this court seeking appropriate relief. He seek to place reliance on the law laid down in Arnesh Kumar's case (supra). Learned State counsel on the other hand relies upon recent judgment of the Hon'ble Supreme Court in *Vitwasah Oberoi & ors. vs. Court on its own motion (Criminal Appeal No. 1234 of 2007)* decided on 2.1.2017 to contend that this court would not entertain contempt petition in view of law laid down therein. I find substance in the plea of the State counsel.

At this stage, learned counsel for the petitioner submits that he may be allowed to withdraw this petition with liberty to avail alternate remedy.

Dismissed as withdrawn with aforesaid liberty.

May 31, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No