

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

**LPA No. 24 of 2002
Date of Decision: 27.2.2017**

Sham Singh and others

.....Appellants

v.

The State of Haryana and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
 HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present:- Mr. Kulwant Singh, Advocate, for the appellants

None for the State

MAHESH GROVER, J.

Learned counsel for the appellants contends that this matter is akin to the one where this Court after hearing the parties had remanded the matter back to the learned Single Judge to decide the matter afresh i.e. in LPA No. 697. Subsequently also LPAs No. 23, 345 of 2001 were decided in the same terms. The operative part of the order in LPA No. 697 of 2001 is extracted hereinafter :

“Mr. Ashish Aggarwal, the learned counsel for the appellants states that an identical matter i.e. LPA No. 441 of 1985 (Nishan Singh and others v. State of Haryana and another) has been disposed of vide judgment dated December 16, 2004 and has been remanded to the learned Single Judge for decision afresh, and that a similar order should be made in the present appeal as well.

We accordingly allow the present appeal, set aside the judgment of the learned Single Judge, and remand the case to

the learned Single Judge for decision afresh in accordance with law.”

There is no representation on behalf of the State.

In view of the aforesaid, the present appeal also needs to be allowed in the same terms.

Resultantly, appeal is allowed and the matter is remanded back to the learned Single Judge for a fresh consideration, in accordance with law.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

27.2.2017
Ashwani