

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

**CM No.9118 of 2017 in
CWP No.9012 of 2015
DATE OF DECISION:30.08.2017**

Tarun Rishi Raj

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. B. S. Bajwa, Advocate
for the applicant-petitioner.

Mr. Navdeep Chhabra, DAG, Punjab
for the respondents-State.

DAYA CHAUDHARY, J.(ORAL)

CM No.9118 of 2017

This application has been moved for pre ponning the date in the main case which is fixed for hearing on 12.10.2017 on the ground that the issue involve in the present case is squarely covered by a judgment of this Court in CWP No.23182 of 2012 titled as Ram Kishore Vs. State of Punjab & others decided on 11.03.2016 and the LPA filed against said judgment by the respondent-State has also been dismissed.

Notice in the application was issued.

For the reasons recorded in the application, date in the main case is pre ponned for today.

Application stands disposed of.

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The contention raised by learned counsel for the petitioner is that, the controversy involved in the present case is squarely covered by a

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decision rendered in CWP No.23182 of 2012 titled as Ram Kishore Vs. State of Punjab and others decided on 11.03.2016 and the appeal filed by the respondent-State has also been dismissed on 17.08.2016.

Learned counsel for the respondents-State has not disputed the contention raised by learned counsel for the applicant-petitioner but has relied upon orders passed in CWP No.5560 of 2011 titled as Jaspal Kaur & others Vs. State of Punjab & others decided on 02.11.2011 and CWP No.11647 of 2008 titled as Loveljeet Kaur & others Vs. State of Punjab & others decided on 18.05.2009.

By considering submissions made by learned counsel for the parties, both the counsel have relied upon judgments of Single Bench and that LPA filed by respondent-State against judgment of this Court in Ram Kishore's case (supra) has been dismissed on 17.08.2016, meaning thereby the judgment of said case is to be given weight over & above other judgments, the present petition is disposed of with a direction to respondent Nos.1 & 2 to consider the claim of the petitioner in view of the judgment of Ram Kishore's case (supra) which has been upheld by LPA Bench.

The necessary exercise be done within a period of two months from the date of receipt of the certified copy of this order.

30.08.2017
rimpal

(DAYA CHAUDHARY)
JUDGE

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