

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CM-5384-CII-2018 in/and
CR No.1428 of 2017
Decided on: 02.04.2018**

Bhagwan Singh

....Petitioner

Versus

Surajbhan & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Aditya Yadav, Advocate, for the applicant/petitioner.

G.S. SANDHAWALIA, J. (Oral)

On the request of the counsel for the petitioner, hearing of the main case, fixed for 24.05.2018, is preponed to today.

CM-5384-CII-2018

Application has been filed for releasing the petitioner, who is in custody as he was sent to civil imprisonment for three months, vide order dated 06.01.2018, till 06.04.2018. In support, the order dated 08.03.2018, passed in CR-343-2018 titled *Balwan Singh Vs. Surajbhan & others*, has been relied upon. Same reads as under:

“Heard.

It is inter alia contended that parties are real brothers. Out of awarded sentence of three months civil imprisonment, he has already undergone 3 months imprisonment together with the fact and in the light of the contentions raised in the petition and fact of the matter is not likely to be heard in near future and no useful purpose would be served by keeping the petitioner behind the bars as he has already undergone substantial incarceration. In the light of the same, the orders sending petitioner behind the bars in civil imprisonment are hereby suspended. He is ordered to be released on bail subject to the satisfaction of the Executing Court.”

CR-1428-2017

It is not disputed that the petitioner along with his brother-Balwan Singh, were taken into custody on 06.01.2018 and the said period is now to expire

CR-1428-2017 (O&M)

on 06.04.2018. The brother of the petitioner has already been released on account of the compliance affidavit which was submitted by both the brothers and the petitioner's affidavit was numbered as CM-4761-CII-2018, photocopy of which would go on to show that it was attested by the Deputy Superintendent, District Prison, Narnaul.

In view of the order passed in the case of brother of the petitioner, he would also be entitled for the same benefits, since the other revision petition has already been disposed of. Accordingly, the present revision petition is also disposed of, in the same terms, since the petitioner has almost completed the sentence. In case the respondents are not satisfied with the relief, as such, granted which is at their back, it is always open for them to file appropriate application.

Photocopy of the order be supplied to counsel for the petitioner, under the signatures of Special Secretary of this Court.

02.04.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*