

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

**Criminal Misc. No.M-42164 of 2018 (O&M)
Date of Decision: October 15, 2018**

Pawan Kumar and others

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Narender Kaajla, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.

Heard.

Learned State counsel submits that the application moved by the petitioners seeking production of additional evidence has no merits. However, this issue was raised before the Appellate Court and she has no objection if the Appellate Court be directed to first decide the application under Section 391 Cr.P.C. filed by the petitioners before deciding the case on merits.

In view of submission of learned State counsel, this petition is disposed of with direction to learned Appellate Court to first dispose of the application filed by the petitioners under Section 391 Cr.P.C. The Appellate Court may hear arguments on merits as well as on the application, however, before deciding the appeal on merits, the application will be

disposed of and in the event of the application being not allowed, the petitioners will be allowed reasonable time to avail further remedy.

With the above observation, this petition stands disposed of with direction to the Appellate Court to proceed further in the matter.

October 15, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: ***Yes/No***