

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24946 of 2017 (O&M)

Date of Decision: September 10, 2019.

Bhullar (Bhaichara) Sabha

.....Petitioner

versus

Manager, Shiromani Gurudwara Prabandhak Committee and another

....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Sangram S.Saron, Advocate, for the petitioner.

Mr.Akshay Bhan, Senior Advocate with

Ms.Dr.Puneet Kaur Sekhon, Advocate, for respondent No.1.

Mr.S.P.S.Tinna, Additiona AG, Punjab.

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Anil Kshetarpal, J. (Oral)

Challenge in the instant case is to the orders passed by learned Sub Division Magistrate, Rampura Phul dated 04.10.2013, disposing of the proceedings under Section 145 Cr.P.C.

Counsel for the parties are *ad-idem* that the Sub Divisional Magistrate did not give any opportunity to any of the parties to lead evidence as provided under Sub-Section 4 of Section 145 Cr.P.C., hence both the parties pray that matter be remanded and SDM be directed to re-decide the matter after permitting the parties to lead their evidence.

Counsel for the parties are also agreed that in the meantime till the SDM decides the matter, *status-quo* with regard to property be maintained.

In view of the consent of the parties, the present petition is

disposed of with the following directions:-

- (i) The parties would be given opportunity to lead evidence in terms of Sub-Section 4 of Section 145 Cr.P.C and thereafter the SDM would decide the issue afresh and in accordance with law.
- (ii) *Status-quo* shall be maintained till the disposal of the matter by the SDM.
- (iii) SDM concerned is directed to decide the matter within a period of six months from the date of receiving a certified copy of this order.

Parties through their respective counsel are directed to appear before the SDM, Rampura Phul, on 16.09.2019 at 10.00 a.m.

CRM No.4444 of 2019.

This application has been filed under Sections 340 read with Sections 195(1) (b) and 482 Cr.P.C. on behalf of the petitioner. It shall be taken-up for hearing on 25.09.2019.

September 10, 2019

mohinder

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No