

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38081-2014 (O&M)

Date of Decision: 25.01.2019

Surjit Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Arun Jindal, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Rakesh Bhatia, Advocate for respondents No. 2 and 3.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing Kalandra dated 10.03.2014 (Annexure P-1), under Section 145 Cr.P.C., Police Station Anaj Mandi, Patiala; order dated 12.06.2014 (Annexure P-3) passed by Sub Divisional Magistrate, Patiala and the order dated 01.10.2014 (Annexure P-5) passed by the learned Additional Sessions Judge, Patiala.

Learned counsel *inter alia* contends that the petitioners have won the battle against respondents No. 2 and 3, up-to Hon'ble the Supreme Court. Therefore, the impugned Kalandra dated 10.03.2014 (Annexure P-1), under Section 145 Cr.P.C., Police Station Anaj Mandi, Patiala; order dated 12.06.2014 (Annexure P-3) passed by Sub Divisional Magistrate, Patiala, vide which Naib Tehsildar was appointed as receiver

under Section 146 Cr.P.C. and the order dated 01.10.2014 (Annexure P-5) of the Revisional Court, are liable to be set aside.

Learned counsel for respondents No. 2 and 3, has not disputed the factum of winning of the petitioners on civil side up to Hon'ble the Supreme Court against respondent No. 2.

Since, the rights of the parties have already been decided on civil side, therefore, the impugned Kalandra dated 10.03.2014 (Annexure P-1), under Section 145 Cr.P.C., Police Station Anaj Mandi, Patiala; order dated 12.06.2014 (Annexure P-3) passed by Sub Divisional Magistrate, Patiala and the order dated 01.10.2014 (Annexure P-5), of the revisional Court having lost their significance cannot be sustained. Accordingly, the same are set aside.

The instant petition is accepted in toto.

**January 25, 2019**  
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**(RAMENDRA JAIN)**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**