

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

CWP-20391 of 2020
Date of decision 27.11.2020

Bachitar Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mansur Ali, Advocate,
for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is challenging order dated 22.02.2019 (P-3) whereby his appeal against order dated 15.10.2015 (P-1) has been dismissed.

Learned counsel submits that when the impugned order dated 22.02.2019 was passed, neither petitioner appear nor his Advocate were present and impugned order was passed on account of non-appearance. Reference has been made to order granting bail to the petitioner vide order dated 04.05.2020 wherein it has been observed that injury No. 2, 4 and 5 has been held to be wrongly declared as dangerous to life. The petitioner was stated to be in custody since 17.04.2020. Learned counsel submits that due to this reason, the petitioner could not impugn the order dated 22.02.2019 (P-3).

Issue notice of motion.

On asking of the Court, Ms. Akshita Chauhan, AAG, Punjab accepts notice on behalf of respondent-State.

After hearing learned counsel for the parties, it transpires that

impugned order has wrongly been passed without hearing the petitioner.

Accordingly, the writ petition is allowed and order dated 22.02.2019 (P-3) is set aside and the matter is remanded back to the the Commissioner, Rupnagar Division, Rupnagar, who shall pass the fresh order after hearing the parties. The parties are directed to appear on 18.12.2020.

27.11.2020

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No