

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7550-2023

Date of Decision: February 13, 2023

Gaurav Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. G.K. Mann, Sr. Advocate with
Mr. Gursharan Singh and Ms. Simrat Kaur, Advocates
for the petitioner.

DEEPAK GUPTA, J.(Oral)

Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in case of "***Asim @ munmun @ Asif Abdulkarim Solanki v. The State of Gujrat***" (Criminal Appeal No.184 of 2020 and Special Leave Petition (Crl.) No.8087 of 2019) in order to contend that application under Section 391 Cr.P.C. should be heard immediately after it is filed without waiting for appeal to be finally heard. However, learned Addl. Sessions Judge, Jalandhar, where the appeal is pending has posted the matter for hearing the application as well as arguments on the main appeal together.

Disposed of with a direction to the learned Addl. Sessions Judge, Jalandhar, to decide the application under Section 391 Cr.P.C. first, prior to decide the appeal on merits.

February 13, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No