

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

112

CR-3244-2023

Date of Decision :29.05.2023

Harjit Singh

...Petitioner

**Versus**

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

1. Present revision petition has been filed challenging the order dated 15.04.2023 (Annexure P/8) passed by the trial Court by which, application filed by the judgment debtor-State of Punjab for recalling the order of attachment of property has been disposed of and issues have been framed so as to arrive at a conclusion whether the required payment has been made in pursuance to the judgment and decree dated 22.05.2017.

2. Learned counsel for the judgment debtor-State of Punjab submits that certain facts stated before the Executing Court were not correct and the impugned order is based upon some incorrect facts hence, the order impugned in the present revision petition may kindly be set aside with liberty to the judgment debtor-State of Punjab to file a better affidavit showing compliance of the judgment and decree in question and, thereafter, liberty be given to the Executing Court to consider whether the judgment and decree dated 22.05.2017 execution of which is being sought, has been complied with or not.

3. Learned counsel for the petitioner raises no objection to the said proposal of the judgment debtor-State of Punjab.

4. Keeping in view the above, impugned order dated 15.04.2023 (Annexure P/8) is set aside. Executing Court is requested to adjudicate afresh as to whether the judgment and decree in question, execution of which is sought at the hands of the petitioner, has been complied with or not and judgment-debtor-State of Punjab after State of Punjab files a better affidavit showing the compliance of the judgment and decree in question by giving specific facts regarding refixing of salary of the petitioner after giving him benefit of 4 and 9 years ACP so that the same could be taken into account by the Executing Court to decide whether the judgment and decree in question has been complied or not.

5. Executing Court is requested that property of the State of Punjab be not attached at this stage. In case after considering all the factors, the Executing Court comes to the conclusion that some more amount is required to be paid to the decree holder, first liberty be given to the State of Punjab to comply with the said direction and in case the same is not complied with within the time frame granted, then the Executing Court will be free to attach the property of the judgment-debtor-State of Punjab so as to get the compliance of the judgment and decree in question.

6. Present petition stands allowed of in above terms.

**May 29, 2023**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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