

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

**CRM-30817-2023 in/and
CRR-1691-2023(O&M)**

Date of decision : 18.10.2023

Kulwinder Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. G. S. Verma, Advocate, for the petitioner.

Mr. Amit Shukla, Assistant Advocate General, Punjab.

Mr. Kulwinder Singh, Advocate, for respondent no. 2.

PANKAJ JAIN, J. (ORAL)

Accused is in revision. Challenge is to the judgment passed by the Appellate Court dated 17.08.2022 affirming the judgment of conviction passed by the trial Court. Along with the revision, application for condonation of delay of 252 days has also been filed.

2. For the reasons mentioned in the application, delay of 252 days in filing the revision is condoned.

3. Counsel for the petitioner has referred to the impugned judgment to submit that the same was passed in the absence of the petitioner as well as his counsel. He further referred to the observations made at page 6 of the judgment, which reads as under:-

“... On 26.05.2022 Shri B. S. Sodhi, Advocate suffered a statement to the court that the appellant Kulwinder Singh was no longer in his contact and he had no instructions to appear on behalf of the appellant.”

4. It has been submitted that the petitioner could not appear before the Court and lost connection with his counsel for the reason that he was booked and arrested in FIR No. 44 dated 20.05.2010 registered under Section 18 of the NDPS Act at Police Station City-2, Abohar, District Fazlika. As per custody certificate which has been produced today, the petitioner, in fact, is behind the bars in the said FIR since 28.06.2023.

5. Keeping in view the peculiar facts and circumstances of the present case, the judgment passed by the Appellate Court is hereby set aside. The matter is remanded back to the Appellate Court to decide afresh, in accordance with law.

6. Disposed of.

7. Since main case is disposed off, pending applications, if any, also stand disposed off.

(PANKAJ JAIN)
JUDGE

18.10.2023

VS

Whether speaking/reasoned
Whether Reportable :

Yes/ No
Yes/ No