

101+214

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

**CRM-319-2023 in/and
CRA-D-740-2022**

Date of Decision: January 30, 2023

KANWARPAL SINGH

....Appellant(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. B.K. Mehta, Advocate
for the applicant/appellant.

Mr. Navneet Singh, Sr. DAG, Punjab.

G.S. SANDHAWALIA, J.(ORAL)

CRM-319-2023 in CRA-D-740-2022

Application for placing on record the order dated 13.09.2022 wherein charges have been framed against the applicant-appellant under Section 307/120-B IPC, 25/54/59 Arms Act, 3/4/5 Explosive Substances Amendment Act 2001 as Annexure P-5 is allowed, subject to all just exceptions.

Annexure P-5 is taken on record.

CRM stands disposed of.

Main case

The present appeal has been filed under Section 21 of the National Investigation Agency Act, 2008 (in short 'the 2008 Act') against the order of the Special Court, Tarn Taran dated 21.05.2022, wherein the bail was declined by the Addl. Sessions Judge, Tarn Taran. Counsel has

pointed out that on earlier occasion CRM-M-33758-2022 was dismissed as withdrawn on 05.08.2022 and it is only on this ground the present appeal was filed.

Counsel for State has pointed out that on account of charge having not been framed on 13.09.2022 under Unlawful Activities (Prevention) Act, 1967 the appeal as such under the 2008 Act would not lie, in view of subsequent events.

Faced with this situation, counsel for the appellant submits that he may be permitted to withdraw the present appeal with liberty to take recourse in accordance with law.

Ordered accordingly.

**(G.S. SANDHAWALIA)
JUDGE**

**(HARPREET KAUR JEEWAN)
JUDGE**

30.01.2023

sangeeta/shivani

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