

2023:PHHC:071938

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

**CWP-23193-2019 (O&M)
Date of decision : 09.05.2023**

Dhanatar Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Surinder Gaur, Advocate
for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

Mr. Ajaivir Singh, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

CM-6265-CWP-2023

Application for placing on record the judgment dated
16.02.2023 as Annexure P-7 is allowed, subject to all just exceptions.

Annexure P-7 is taken on record.

CM-6266-CWP-2023

This is an application for preponement of the date fixed in
the main case to some early date.

Dismissed as infructuous.

CM-6269-CWP-2023

This is an application for disposal of the main case in view
of the judgment dated 16.02.2023 as Annexure P-7.

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Heard.

For the reasons mentioned in the application, the same is allowed and the main case is taken on Board today itself for final disposal.

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Counsel for the respondents No.2 and 3 does not deny that in principal the issue is covered by Division Bench judgment rendered in ***CWP-17064-2017***, titled as ***Ajay Kumar Singla vs. State of Punjab*** decided on 16.02.2023 (Annexure P-7). However, he submits that the Ajay Kumar Singla's case was based upon ratio of laid down in ***CWP No.6391 of 2016***, titled as ***Dr. Vishvdeep Singh and others vs. State of Punjab and others***, decided on 26.10.2018, which is pending before the Apex Court.

2. After going through judgment rendered in ***Ajay Kumar Singla's case (supra)***, this Court finds that the precise issue w.r.t. pendency of ***Dr. Vishvdeep Singh's case (supra)*** before Apex Court has been dealt with by the Division Bench in detail and having observed that there is no stay granted by the Supreme Court on the judgment rendered in ***Dr. Vishvdeep Singh's case (supra)***, the Division Bench proceed with and decide the matter.

3. In view of above, there is no reason to deny the same relief to the petitioners.

4. Consequently, the present petition is allowed in terms of ***Ajay Kumar Singla's case (supra)***.

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5. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

09.05.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No