

108-225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:060853
CRM-19207-2023 in/and
CRM-M-1123-2018
Date of Decision: April 28, 2023

Sarabjit Singh Sekhon

...Petitioner

Versus

Jagjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the applicant-petitioner.

Mr. Manish Jain, Mr. Siddhant Jain and
Mr. Mayur Kanwar, Advocates for respondent Nos.1 and 2.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

There is no representation on behalf of the petitioner.

Application bearing CRM-19207-2023 has been filed yesterday, i.e. on 27.04.2023 by the petitioner to withdraw the main petition with liberty to file afresh with better particulars, and/or avail alternative remedies on the plea that the present petition has become inadvertently erroneous, after recent discovery of fraud against the appellant on the date of alleged withdrawal of his appeal on 20.04.2017 in District Court, Faridabad.

Counsels for respondent Nos.1 and 2 contend that though they have no objection for dismissal of this petition as withdrawn, but no liberty should be granted to the petitioner to file another petition with alleged better particulars. Learned counsels contend that despite the fact that criminal appeal No.433 of 2013, titled as *“Dilraj Singh Sekhon v. Jagjit Singh and others”*, was dismissed as withdrawn on 20.03.2015; and thereafter the application for restoration moved by Sarabjit Singh Sekhon, the elder son of appellant Dilraj Singh Sekhon, was dismissed

by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 20.04.2017 (Annexure P-10), the immigration formalities of the respondents are not being cleared because of the pendency of this petition, whereby challenge was given to the order dated 20.04.2017 (Annexure P-10). Still further, it is contended that time and again, adjournment was requested earlier on behalf of the petitioner on one or the other pretext.

On 11.04.2023, following order was passed by this Court:-

“Fresh Power of Attorney has been filed on behalf of the petitioner. Adjournment is requested on the plea that he has been recently engaged.

Adjournment is strongly opposed by learned counsel for respondents No.1 and 2 by submitting that 70 days’ time was given to the petitioner for complying the immigration formalities.

Last opportunity is provided to the petitioner to address the arguments on 26.04.2023.

Change of counsel will be no ground for further adjournment.”

On the next date of hearing i.e. 26.04.2023, one Ms. Ruby Chaudhary appeared in person, stating to be Special Power of Attorney Holder on behalf of the petitioner and prayed for adjournment on the plea that she be granted an opportunity to engage the counsel in order to address arguments. Though, there was no justification in view of the order passed on 11.04.2023, still the matter was adjourned to 28.04.2023, i.e. for today, making it clear that no further opportunity shall be provided. Later on the same day at about 4.50 p.m., adjournment slip was moved by Ms. Ruby Chaudhary, as per which SLP was to be filed before

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Hon'ble Supreme Court and certified copies of certain documents were to be collected from District Courts, Faridabad. Thereafter, on 27.04.2023, the instant application i.e. CRM-19207-2023 has been moved to withdraw the petition with liberty to file afresh with better particulars and/or to avail alternative remedies.

Having regard to all the aforesaid facts and circumstances, this petition (CRM-M-1123-2018) is hereby dismissed as withdrawn. However, the liberty to file fresh petition is hereby declined.

Application (CRM-19207-2023) stands disposed of, in the aforesaid terms

April 28, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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