

2024:PHHC:018802

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

231

CRM-M-45546-2023

DATE OF DECISION: 09.02.2024

NAVRAJ SINGH

...PETITIONER

Versus

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Khushbir Kaur Waraich, Advocate for the petitioner(s).

Mr. Mohit Thakur, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed for setting aside of the order dated 18.03.2019 wherein an application dated 18.03.2019 for discharge of the petitioner was filed by respondent No.4-DSP but the Trial Court has not passed a detailed discharge order in favour of the petitioner but has only passed an order for releasing the petitioner from the judicial custody.

The contention of learned counsel for the petitioner is that the part of the order dated 18.03.2019 (Annexure P-6) to the effect that despite consideration of the application for discharge of the present petitioner, he has been released from custody without recording reasons as to why he is being discharged as there was no other prayer made by the prosecution. The application for discharge of the petitioner-accused has been disposed of while directing him to be released in the present case only if not required in some other case. She further submits that petitioner is not involved in any other case and the impugned order

passed by the JMIC suffers from material illegality.

This Court is convinced with the submissions made by learned counsel for the petitioner and is evident from perusal of the impugned order.

In light of the above, the case is remanded back to the JMIC, Amritsar to consider the application for discharge and decide the same afresh by recording the reasons therein after due consideration to the report submitted by DSP, Counter Intelligence, Amritsar dated 18.03.2019 (Annexure P-5).

However, it is made clear that the order with regard to the release of the petitioner from the custody shall remain operative during the pendency of the final judgment on the application for discharge moved by the prosecution.

The Trial Court is expected to adjudicate the said application preferably within a period of two months from today.

Petition is disposed of with the abovesaid observations.

(SANDEEP MOUDGIL)
JUDGE

09th February, 2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>