

2024:PHHC:172186-DB



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRA-D-913-2024 (O & M)
Reserved on: 08.11.2024
Pronounced on: 20.12.2024

HARJEET SINGH **....APPELLANT**

Versus

STATE OF PUNJAB **....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Argued by: Mr. Prince Sarangal, Advocate
for the applicant-appellant.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.

1. The present appeal is time barred and an application filed under Section 5 of the Limitation Act has been instituted for condoning the delay which has occurred in the filing of the instant appeal under Section 21 of the National Investigation Agency Act, 2008, against the declining order, as made by the learned Special Judge, on the apposite bail application preferred by the bail applicant.
2. Though this Court vide order dated 09.08.2024, has condoned the delay in the filing of the instant appeal, but yet the said condonation of the delay, does not preclude this Court from suo motu reviewing the said passed order by this Court.
3. The reason for so stating arises from the factum that

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therebys there would be no conflict with the pronouncement made by this Court upon Criminal Appeal-D-122-2024 titled as Navish Kumar @ Navi Vs. State of Punjab, wherebys, this Court had adopted a view that any time barred appeal preferred by the accused vis-a-vis a declining order made by the learned Special Judge, upon an application embodying therein offences constituted under the UAPA, thus would not be maintainable. As such, after suo motu reviewing the said passed order, this Court also in terms of the verdict recorded on 20.12.2024, upon, Criminal Appeal-D-122-2024 titled as Navish Kumar @ Navi Vs. State of Punjab, accordingly set asides the order passed on 09.08.2024, upon, CRM-25828-2024, wherebys, delay of 706 days in filing of the instant appeal became condoned.

4. In sequel, this Court declares ***CRA-D-913-2024, to be mis-constituted beside the same being non maintainable.***

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

20.12.2024

kavneet singh

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