

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

Date of Decision : 12-07-2024

.....Petitioner

STATE OF PUNJAB AND ANR

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Amarpreet Singh Bains, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner argues that the order to be passed in the appeal has to be a speaking order whereas, no ground raised in the appeal has been dealt with while passing the order dated 16.06.2022 (Annexure P-38) by which the appeal has been dismissed.

Learned counsel for the petitioner submits that the appeal of the petitioner has been dismissed in totally cryptic and non-speaking order which cannot sustain, keeping in view of the settled principle of law laid down in case titled “***Mahabir Prasad Santosh Kumar Vs. State of U.P. and others***” dated 02.04.1970 passed in Civil Appeal No.457 of 1970.

Notice of motion.

Mr. Amarpreet Singh Bains, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

After going through the order Annexure P-38, the learned State counsel has not been able to point out the reasons which led to the dismissal of the appeal and that the order has been passed by the Superintendent Grade-I on behalf of the appellate authority.

Faced with this situation, learned State counsel submits that the order Annexure P-38 be treated as withdrawn with liberty to pass fresh order on the appeal of the petitioner within a period of 8 weeks from the receipt of certified copy of this order.

Learned counsel for the petitioner submits that as the order in appeal has been withdrawn by the respondent, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

12-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking	: YES/NO
Whether reportable	: YES/NO