



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

263

CRR-2318-2023 (O&M)
Date of decision: 31.07.2024

Anil Kumar Sharma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Naveen Batra, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is impugning the judgment dated 07.08.2019 passed by learned Judicial Magistrate 1st Class, Rupnagar vide which he had been convicted and sentenced under Sections 420, 465, 467, 468, 471 of the IPC as well as judgment dated 14.09.2023 passed by learned Additional Sessions Judge, Rupnagar vide which the appeal filed by the petitioner was dismissed.

2. Mr. Prateek Pandit, Advocate has entered appearance and filed his vakalatnama on behalf of the petitioner, after obtaining NOC from the previous counsel, and the same is taken on record.

3. Learned counsel appearing for respondent No.2 has very fairly submitted that while passing the impugned judgment, an application under Section 391 of the Cr.P.C. which had been filed by the petitioner, was indeed still pending consideration and had not been decided.

4. In the circumstances, the impugned judgment dated 14.09.2023 passed by learned Additional Sessions Judge, Rupnagar is set aside and the matter is remanded back to the learned Appellate Court to decide the appeal afresh after first passing an order on the application under Section 391 of the Cr.P.C. filed by the petitioner. It is, however, clarified that the learned Appellate Court would decide the application under Section 391 of the Cr.P.C., and thereafter the appeal in accordance with law.

5. At this stage, learned counsel for the petitioner submits that since the judgment dated 14.09.2023 has been set aside, the petitioner be released on bail as he was on bail prior to the passing of the impugned order.

6. This Court would refrain from passing any such order, however, the petitioner is at liberty to move the learned Appellate Court for the said relief which will then decide the same expeditiously in accordance with law.

7. The instant petition stands disposed of in the above terms.
8. Pending applications, if any, stand disposed of.

31.07.2024

Vinay

Whether speaking/reasoned

Whether reportable

(MANJARI NEHRU KAUL)

JUDGE

: Yes/No

: Yes/No