



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

CRM-M-13347-2025

Date of Decision:07.04.2025

Harbhajan Singh Dhaliwal

...Petitioner

vs.

State of Punjab and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Gagandeep Singh Virk, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to set aside the impugned dated 07.12.2024 (Annexure P-8) passed by the Court of Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, whereby, the application moved by respondent No.2 under Section 91 r/w 311 of Cr.P.C has been allowed.

2. At the very outset, learned counsel for the parties submit that the impugned order (Annexure P-8) passed by the Court of Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga is non-speaking and no reasons have been recorded, while allowing the application under Section 311 Cr.P.C. Learned counsel further submit that with the consent of the parties, the impugned order (Annexure P-8) may be set aside and the appropriate directions may be issued to the Trial Court to decide the application in question, afresh,

after recording detailed reasons.

3. I find the prayer made by learned counsel for the parties to be fair and appropriate.

4. Consequently, in view of the consent given by learned counsel for the parties as well as the fact that the impugned order is non-speaking; the impugned order dated 07.12.2024 (Annexure P-8) is set aside and the Court of Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga is directed to decide the application under Section 311 Cr.P.C afresh by taking into account the submissions made by learned counsel for the parties. It is made clear that this Court had not made any observations on the merits of the case and a detailed and speaking order shall be passed by the Court of Sub-Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, after affording an opportunity of hearing to both the sides.

5. Disposed off.

07.04.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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