



**CM-6726-LPA-2025; CM-6727-LPA-2025 in/and
LPA-2683-2025**

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

(108)

**CM-6726-LPA-2025;
CM-6727-LPA-2025 in/and
LPA-2683-2025
Date of Decision : September 05, 2025**

Harwinder Singh

.. Appellant

Versus

State of Punjab and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Lakhwinder Singh Mann, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for condonation of delay of 10 days in filing the appeal.

Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed. Delay of 10 days in filing the appeal is condoned.

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As prayed for, the application is allowed.

Annexures A-1 to A-4 are taken on record.

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1. In the present appeal, the challenge is to the order dated 23.07.2025 passed by the learned Single Judge in CRWP No.7474 of 2025,



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by which, the trial Court has been directed to decide the application under Order 39 Rule 2 A of the CPC expeditiously within a period of two weeks from the next date of hearing fixed before the trial Court.

2. Learned counsel for the appellant submits that fixing of the time frame by the Court is incorrect and beyond the jurisdiction and therefore, the said order dated 23.07.2025 is liable to be set aside.

3. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

4. Though, the jurisdiction to file the present Letters Patent Appeal keeping in view the High Court Rules and Regulations read with Letters Patent Act in the facts and circumstances of this case is a matter of argument but keeping the said question of law open, the appeal is being decided by this Court on merits.

5. It may be noticed that the order dated 23.07.2025 passed by the learned Single Judge is as under:

“ The prayer in the petition under Article 226/227 of the Constitution of India is for issuance of writ in the nature of Mandamus directing the respondent nos. 1 to 3 especially respondent No.3 in ordering respondent no.5 to safeguard the life, liberty and property of the petitioner and his family members which is in danger at the hands of private respondent nos. 6 to 9.

The present petition is disposed of with a direction to the court of Civil Judge (Jr. Divn.), Jalandhar to decide the application under order 39 Rule 2-A CPC as expeditiously as possible but in any case not later than 02 weeks from the next date of hearing fixed before it.”

6. A bare perusal of the above would show that the prayer made before this Court was with regard to the safeguard of the life and liberty as well as the property of the appellant and his family members, which is



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alleged to be in danger at the hands of the private respondents No. 6 to 9. Under these circumstances, the direction was given to the trial Court that appropriate decision be taken qua the grievance being raised in an application filed under Order 39 Rule 2-A of the CPC which related to the life and liberty as well as property of the respondents in the present appeal.

7. Keeping in view the fact that urgency was required, the direction was given by the Court to decide the application filed under Order 39 Rule 2A of the CPC expeditiously, which is within the jurisdiction of the Court.

8. The reliance is being placed upon the judgment of the Hon'ble Supreme Court of India in ***Criminal Appeal No.4758 of 2024 titled as Sangram Sadashiv Suryavanshi vs. The State of Maharashtra, decided on 25.11.2024*** to contend that the time bound direction should not be given to conclude the trial as the trial Court becomes burdened with the such directions of the constitutional Court and therefore, the direction given by the learned Single Judge is liable to be set aside being contrary to the directions given by the Hon'ble Supreme Court of India in ***Sangram Sadashiv Suryavanshi's case (supra)***.

9. It may be noticed that the said order was passed by the Hon'ble Supreme Court of India while deciding the issue of the grant of bail wherein same was declined but direction was issued to conclude the trial, which is entirely a different fact as compared to deciding a prayer raised by a litigant which relates to the life and liberty and protection of the property and that too when direction had already been issued and contention was raised that



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the same was being violated for which an application under Order 39 Rule 2-A of the CPC was filed which was not being decided.

10. Further, Order 39 Rule 2A of the CPC is qua violation of injunction order granted, which fact was brought to the notice of the Court and the learned Single Judge was only requested to trial Court to look into the said fact and decide the said application in a time bound manner.

11. The facts in the present case and in *Sangram Sadashiv Suryavanshi's case (supra)* are entirely different.

12. Further, reliance is being placed upon the judgment of the Hon'ble Supreme Court of India in *Writ Petition (Criminal) No.587 of 2023 titled as Shaikh Uzma Feroz Hussain vs. The State of Maharashtra, decided on 10.11.2023*, which direction was also to the same effect by the Hon'ble Supreme Court of India but the same was also related to the grant of bail hence, the facts of each case are to be looked into as to whether, the order passed by the Hon'ble Supreme Court of India will fit in keeping in view the urgency required in a particular case or not.

13. In the present case, the urgency was required as despite injunction in the favour of the respondents, the same was being violated, which was brought to the notice of the Court which application filed under Order 39 Rule 2A of the CPC was pending, direction by the learned Single Judge to decide the said application in a time bound manner is within the jurisdiction.



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14. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

15. Accordingly, the appeal is dismissed.

**(HARSIMRAN SINGH SETHI)
JUDGE**

September 05, 2025

harsha

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No