

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18885 of 2012

Decided on: February 10, 2015.

Jagir Singh and others

.... Petitioners

Versus

Jagdev Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kapil Aggarwal, Advocate,
for the petitioners.

Mr. A.S. Salar, Advocate,
for the respondent.

M.M.S. BEDI, J (ORAL)

After hearing learned counsel for the petitioners at length, it appears that the charges have not yet been framed after completion of the pre-charge evidence. All the pleas taken up in this petition can be raised before the trial Court at the time of consideration of charges.

The grievance of the petitioners is that the petitioners have neither relied upon the agreement of exchange dated 25.06.2003 nor any part of the said agreement was ever implemented. No revenue entry was got entered on the basis of alleged forged agreement of exchange.

In view of no benefit having been derived by the petitioners on the basis of exchange deed, it is claimed that no offence would be made out against the petitioners. All the pleas taken up in this petition including the above said plea can be raised before the trial Court at the time of consideration of charges.

This petition is disposed of at this stage without prejudice to the right of the petitioners to raise all the pleas before the trial Court at the time of consideration of charges.

It is ordered that a detailed speaking order will be passed, taking into consideration the pleas taken by the petitioners at the time of framing of charges.

It is not out of place to observe here that despite the stay order, charges had been framed by the trial Court but on acquiring the knowledge about the stay order, the order framing charges has been recalled. The said fact will not in any manner prejudice the adjudication of the claim of the petitioners at the time of consideration of charges.

(M.M.S. BEDI)
JUDGE

February 10, 2015
harsha