

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

(220)

**CRM-28973 & 28974 of 2015 in/and
CRM-M-25499-2015
Decided on: October 28, 2015.**

Malkit Singh

.... Petitioner

Versus

State of Haryana and another

..... Respondents

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

Present: Mr. Deepak Sharma, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

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

CRM-28973-2015 is allowed and the case is preponed from 17.11.2015 to today for hearing.

Heard.

Learned counsel for the petitioner has inter alia argued that neither there is any specific allegation against the petitioner of having cheated or intimidated the complainant nor there is any admissible or relevant material available in report under Section 173 (2) Cr.P.C to connect the petitioner with the alleged crime.

Since challan has been presented, without going through the material forming part of report under Section 173 (2) Cr. P.C, it will not be feasible for this Court to arrive at a conclusion that this is a case of no allegation/material against the petitioner.

This petition is disposed of with liberty to the petitioner to raise all the pleas taken up in this petition before the trial Court at the time of framing of charges. In case, the trial Court, after going through the report

under Section 173 (2) Cr.P.C, is satisfied that there is neither any allegation nor any offence is made out against the petitioner, the trial Court shall be entitled to discharge the petitioner. It is expected that all the pleas raise before the trial Court will be dealt with, in case, the trial Court opts to frame charges against the petitioner.

At this stage, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to raise all the pleas before the Court and seek discharge.

Disposed of as withdrawn with above said liberty expecting that the trial Court shall pass a speaking order taking into consideration all the pleas raise.

**(M.M.S. BEDI)
JUDGE**

October 28, 2015
harsha