

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 35667 of 2014 (O&M)

Date of decision : 19.02.2015

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Ajit @ Ajit Singh and another

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sudhir Sharma, Advocate
for the petitioners.

Mr. Pawan Girdhar, Addl. AG, Haryana

Mr. R.N. Khush, Advocate
for respondent No. 2.

LISA GILL, J.

The petitioners challenge order dated 05.06.2014 (Annexure P-6) passed by the learned Additional Sessions Judge, Hisar as well as order dated 08.08.2014 (Annexure P-7) passed by learned Additional Chief Judicial Magistrate, Hisar vide which the petitioners have been summoned in criminal complaint No. 317C dated 10.06.2013. It is contended that the revisional Court could not set aside order dated 09.01.2014 without affording an opportunity of hearing to the petitioners.

Learned counsel for respondent No. 2 fairly concedes that order dated 05.06.2014 could not have been passed by the learned Additional Sessions Judge, Hisar without giving an opportunity of hearing to the petitioners in the light of the fact that the trial Court had dismissed the complaint on 09.01.2014 (Annexure P-4).

In view of the facts and circumstances of the case, learned counsel for the parties are ad idem that the impugned orders dated 05.06.2014 (Annexure P-6) and 08.08.2014 (Annexure P-7) be set aside and the matter be remanded before the learned Additional Sessions Judge, Amritsar to hear the matter afresh after affording an opportunity of hearing to all the parties.

In view of the said taken by the parties, orders dated 05.06.2014 (Annexure P-6) and 08.08.2014 (Annexure P-7) are set aside. The parties shall appear before the learned Additional Sessions Judge, Amritsar on 10.03.2015. The matter shall be decided afresh after hearing both the parties. It is made clear that there is no adjudication by this Court on the merits of the case and the learned Additional Sessions Judge, Amritsar shall decide the matter afresh on merits in accordance with law.

Present petition is, accordingly, disposed of.

February 19, 2015
rts

(LISA GILL)
JUDGE