

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

CRR No.2793 of 2015 (O&M)

Date of decision : 17.8.2015

Amandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.P.S.Sidhu, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

Vide judgment dated 21.12.2013, the petitioner was acquitted by the Court of SDJM Abohar. In the appeal preferred by the petitioner, the appellate Court vide order dated 4.7.2015 remanded the matter holding that the charge against the petitioner had not been framed under Section 420 IPC. The petitioner has challenged the order of remand dated 4.7.2015.

Learned counsel for the petitioner submits that in the facts and circumstances of the present case, no case under Section 420 IPC against the petitioner is made out. However, he graciously admit that there is a procedural lapse in the trial. In the facts and circumstances of the case, the question whether there is sufficient material against the petitioner for charge sheeting him under Section 420 IPC is pre mature

as answer could be ascertained only by reprimanding by the trial Court after both the parties led the cogent evidence. Therefore, without expressing any opinion on the merits of the case, this Court is of the view that there is no illegality or perversity in the judgment dated 4.7.2015 whereby the case of the petitioner was remitted for afresh trial after charge sheeting the petitioner under Section 420 IPC. Keeping in view the fact that complaint was filed in the year 2003, the trial Court shall make an endeavour to decide the matter preferably within 6 months from the receipt of certified copy of the order.

Dismissed.

17.8.2015
Meenu

(JITENDRA CHAUHAN)
JUDGE