

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

**CRR No. 235 of 2015
DECIDED ON: JULY 12, 2016**

CHARANJIT KAUR AND OTHERS

....PETITIONERS

VERSUS

STATE OF PUNJAB & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. HPS Ishar, Advocate
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab.

Mr. A.K. Walia, Advocate
for respondent No.2.

JASPAL SINGH, J (ORAL)

By virtue of instant revision petition, petitioners have sought the setting aside of charge sheet dated November 12, 2014 whereby, they have been charge sheeted to face trial under Sections 120-B, 148, 364, 342, 323 and 149 IPC in case bearing FIR No. 50 dated August 07, 2013, Police Station Sadar Budhlada.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioners that though learned counsel for the petitioners advanced arguments on various points before learned trial Court but the same

have not been incorporated in the order. Rather by non speaking order, petitioners have been charge sheeted to face trial under Sections 120-B, 148, 364, 342, 323 and 149 IPC.

3. A close scrutiny of the charge sheet makes it crystal clear that neither arguments put forth by learned counsel for the petitioners have been incorporated in the order nor there is any discussion thereof in the impugned order. At the time of framing of charge against the petitioners, following order was passed by learned trial Court:-

“Heard. Finding a prima-facie case, charge for offence punishable u/ss 120-B, 148, 364, 342, 323 read with Section 149 IPC has been framed against all accused, to which they pleaded not guilty and claimed trial. Now Pws be summoned for 17.12.2014.”

4. A glance at the afore-said order reveals that the same is without any reasoning and without discussion of various points stated to be argued before the trial Court.

5. Thus, This court is of the considered view that due to passing of non-speaking order a great prejudice has been caused to the petitioner. Accordingly, impugned order is set aside and the case is remitted back to the trial Court to pass a speaking order afresh, that too, after hearing learned counsel for the parties.

6. Parties are directed to appear before trial Court on August 01, 2016.

JULY 12, 2016
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(JASPAL SINGH)
JUDGE