

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

CRR No. 1274 of 2016
Date of decision : August 24, 2016

Mohit Kumar and others,

..... Petitioners

v.

Kartar Singh,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Wadhawan, Advocate
for the petitioners.

Ajay Tewari, J (Oral)

By this petition, the petitioners have challenged the order dated 1.2.2016 framing charge against them.

As per the allegations, the complainant was waylaid by the petitioners, given injuries and deprived of his motor cycle, cash and phone. It is further mentioned that at that time the petitioners were armed with different weapons.

Originally, the complainant had filed an application under

the Magistrate had summoned the petitioners and committed the case to the Court of Sessions where the charge has been framed.

Counsel for the petitioners has argued that at the time when the application was moved before the Magistrate, he had sought police report but the trial Court did not consider that police report. He has further argued that the petitioners were acting in the discharge of their duties at that time and consequently sanction was required. He has further argued that as per the medical record, the complainant was in inebriated condition at the time when his medical was conducted and the doctor had opined that the injuries could be by a friendly hand.

In my opinion, all these arguments are irrelevant at this stage. Consequently, this petition is dismissed with liberty to the petitioners to take all these pleas at an appropriate stage in accordance with law.

August 24, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No