

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

**CRL. MISC. No.M-10110 OF 2014 (O&M)
DATE OF DECISION : 27th APRIL, 2017**

Kashmir Singh & others

.... Petitioners

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Dr. Dayal Partap Singh Randhawa, Advocate
for the petitioners.

Mr. Daljeet Singh Virk, DAG, Punjab.

Mr. G. S. Sirphikhi, Advocate for respondent No.2.

* * * *

A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

In criminal complaint No.58 of 2010 under Sections 307, 323, 506, 148, 149 IPC and Sections 25, 54, 59 of Arms Act titled as Kulbir Singh versus Kashmir Singh and others, the petitioners are being prosecuted from the year 2012.

This Court did not issue any stay order but learned counsel for the complainant submits that still the trial has not even commenced.

Learned counsel for the petitioners submits that the petitioners have *prima facie* case and therefore at least charge under Section 307 IPC cannot be framed against the petitioners. In view of the fact that the petitioners have remedy/opportunity to oppose the framing

of charge under Section 307 IPC and other offences. I think the proper course would be to make the following order:

ORDER

- (i) CRL. MISC. No.M-10110 OF 2014 is disposed of with liberty to the petitioners to oppose the framing of charge under Section 307 IPC as well as other offences if so advised. The petitioners and complainant both shall be given opportunity to argue on the framing of charge.
- (ii) The Sessions Court is expected to go ahead with the trial in accordance with law in the light of the observations made above.

27th APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>