

130.

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

CRM-M-47065-2017

Date of decision:11.12.2017.

OM PARKASH

... Petitioner

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder Singh, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 28.09.2016 (Annexure P-3) passed by learned Additional Sessions Judge, Ambala and order dated 02.11.2017 (Annexure P-4) passed by learned Sessions Judge, Ambala.

Learned counsel for the petitioner restricts his claim to the order dated 02.11.2017 (Annexure P-4) passed by learned Sessions Judge, Ambala, whereby the revision petition filed by the respondents-accused against the order dated 30.09.2014 passed by learned Judicial Magistrate Ist Class, Ambala, was allowed and summoning order qua the accused was set aside with a direction to the trial Court to examine the preliminary evidence as available on record and thereafter to pass a fresh order after due application of mind.

Learned counsel for the petitioner has argued that after the passing of the order dated 02.11.2017 by learned Sessions Judge, Ambala,

whereby the revision petition filed by the respondents has been accepted,

there is hardly any scope to differ with the earlier order passed by her on 30.09.2014.

This Court though is afraid of accepting such contention and, therefore, does not want to interfere with the matter. However, in the interest of justice, it is observed that learned Magistrate shall pass a fresh order without having been influenced by the order dated 02.11.2017 and shall pass a fresh order after examining the preliminary evidence.

With the aforesaid observations, present petition is disposed of.

(HARI PAL VERMA)
JUDGE

11.12.2017
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No