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

CRR No.4052 of 2013

Date of decision: August 28, 2017

Avtar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Sharad Mehra, Advocate for the petitioner.

Ms. Samia Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

This revision petition is directed against the order dated 13.08.2013 framing charge against the the petitioner, arising out of FIR No.177 dated 14.10.2012, under Sections 302, 364, 201, 120-B of Indian Penal Code, 1860, registered at Police Station Sadar Khanna.

Heard learned counsel for the rival parties.

I have perused the record. Upon perusal, I find that for framing of charge against the petitioner reasons ought to have been recorded in the impugned order since learned Senior counsel for the petitioner contends that the petitioner had opposed framing of charge. After perusal of the FIR as well as other papers of final report, I think it is a fit case where the trial Court should hear the petitioner on the question of framing of charge and thereafter, give, prima-facie reasons for framing charge, if any, as the charge as well as charge-sheet do not

show any reasons in backdrop of the nature of the evidence shown in the final report. This Court had stayed the trial vide order dated 29.10.2015 and since then trial has not at all progressed. In that view of the matter, I make the following order:-

ORDER

- (i) CRR No.4052 of 2013 is partly allowed;
- (ii) The trial Court is directed to hear the petitioner before framing charge and thereafter, frame charge, if necessary, by giving reasons upon hearing arguments on the question of framing of charge;
- (ii) This exercise shall be done within a period of 8 weeks from the date of receipt of certified copy of this order.

(A.B. CHAUDHARI)
JUDGE

August 28, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No