

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

**Crl. Misc. No.M-5919 of 2017 (O&M)
Date of Decision: February 27, 2017**

Kuldip Singh and others

.....PETITIONER(s).

VERSUS

State of Punjab and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

Heard.

Petitioners have challenged order dated 20.10.2016 vide which petitioners were summoned to face trial for the offences punishable under Sections 447, 427, 506 read with Section 34 of Indian Penal Code. Perusal of the paper-book shows that the petitioners were summoned to face trial vide order dated 18.07.2009. It appears that file of the criminal complaint got misplaced and was ordered to be reconstructed. Complainant produced copy of the complaint and order dated 18.07.2009 and thereafter the trial Court proceeded to record statement of complainant and other witnesses again and then passed the impugned order. When the summoning order dated 18.07.2009 is already there and has never been set aside, the trial Court was required to proceed as per that order instead of passing order dated 20.10.2016.

Notice of motion.

The trial Court is directed to proceed further with the trial as per order dated 18.07.2009 instead of order dated 20.10.2016.

At this stage, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to file fresh petition to challenge order dated 18.07.2009 and to take all the pleas raised in this petition.

Dismissed as withdrawn with liberty as prayed for. Copy of this order be conveyed to trial Court.

February 27, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***