

In the High Court of Punjab and Haryana at Chandigarh

CRR- 2923 of 2015(O&M)
Date of Decision: 27.3.2017

Mohd. Aliyas

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner**

Mr. Mikhail Kad, AAG, Punjab

**Mr. Saurabh Arora, Advocate
for respondent No.2**

**Mr. Gaurav Sharma, Advocate
for respondent Nos. 3 to 5**

Rekha Mittal, J.

The present petition directs challenge against orders dated 4.6.2015 passed by the Additional Sessions Judge, Ludhiana whereby the accused were ordered to be charged for committing offence punishable under Sections 365, 376, 506 read with Section 34 of the Indian Penal Code (in short "IPC") and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (in short "the Act").

Counsel for the parties are ad idem that the order framing charge as well as the charge sheet framed by the court may be set aside and the matter may be remitted to the court below for considering the question of charge afresh.

In view of the above, the petition is allowed, order framing charge and the charge sheet dated 4.6.2015 are set aside and the matter is remitted to the trial court for decision on the question of charge afresh but without being influenced by the earlier order and the charge sheet framed.

(Rekha Mittal)
Judge

27.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No