

CRR-3258-2015

[1]

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

(Sr. No.242)

CRR-3258-2015

Date of Decision:-March 24, 2017

Gurwinder Singh

.....Petitioner

V/S

State of Punjab and another

.....Respondents

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

Present : Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

Ms. G.K. Mann, Advocate,
for respondent No.2.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties at length.

Learned counsel for respondent No.2 makes a categorical submission that the impugned order does not show any mention about the use of fire arm and, therefore, the charge regarding Section 397 of Cr.P.C. has not been referred to in that context.

Learned counsel for the petitioner submits that looking to the injuries mentioned in Para-2 of the impugned judgment, it is not a case where offence under Section 397 of Cr.P.C. can be said to have been committed. In my opinion, it will not be proper to express any opinion on the contentions raised by learned counsel for the petitioner at this stage, since this Court is inclined to remand the matter to the trial Court for considering the issue inter alia about the use of fire arm if any, as contended

by the learned counsel for respondent No.2 as she has contended that the impugned order does not contain any mention thereof. But, according to her, the issue about use of fire arm can be found in the charge sheet. In that view of the matter, without expressing any opinion on merits of the matter, leaving all the points raised in the petition open, the Additional Sessions Judge, Amritsar shall reconsider the entire issue.

In that view of the matter, the following order is passed:-

ORDER

1. CRR-3258-2015 is partly allowed.
2. The impugned order is quashed and set aside, the Additional Sessions Judge, Amritsar is directed to reconsider the issue afresh, after giving full opportunity to both the sides.

Disposed of.

(A.B. Chaudhari)
Judge

March 24, 2017
Pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No