

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

CRR No.4103 of 2016 (O&M)

Date of decision: 17.04.2017

Baldev Singh and another	Versus	...Petitioners
State of Punjab and another		...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jasraj Singh, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. V.S. Chugh, Advocate for respondent No.2.

REKHA MITTAL J. (Oral)

The present petition directs challenge against order dated 12.10.2016 passed by the Additional Sessions Judge, Hoshiarpur whereby charge under Section 304-B and in the alternative Section 302 IPC has been framed against the petitioners.

Counsel for the parties are *ad idem* that in view of the allegations raised against the petitioners no offence under Section 304-B IPC is *prima facie* made out against the petitioners so the order dated 12.10.2016 passed by the trial Court framing charge under Sections 304-B and 302 IPC may be set-aside and the matter be remitted to the trial Court for consideration afresh.

In view of the above, the petition is allowed, order dated 12.10.2016 for framing charge and charge-sheet of even date are ordered to be set-aside with the observations that no *prima facie* case for commission of offence punishable under Section 304-B IPC is made out against the petitioners. However, the trial Court without being influenced by any observations made in the order dated 12.10.2016 would consider the matter afresh if any offence other than under Section 304-B IPC is made out against the petitioners for framing of charge. After hearing the parties, the Court would pass a speaking order, by recording their respective contentions.

17.04.2017

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**(REKHA MITTAL)
JUDGE**