

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

CRL. REVISION No.1286 OF 2017
DATE OF DECISION : 3rd MAY, 2017

Rajeev Kumar Gupta

.... Petitioner

Versus

**Central Bureau of Investigation (CBI), Special Police Establishment,
Anti Corruption Branch, Chandigarh & another**

.... Respondents

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

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Present : Mr. S. K. Garg Narwana, Senior Advocate with
 Mr. Durgesh Aggarwal, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

In view of the submissions made by learned counsel for the petitioner to a limited extent, I find that it is not necessary to issue notice to the respondent.

Heard learned senior counsel for the petitioner.

In a pending trial before the Special Judge (CBI), Panchkula the petitioner applied for discharge under Section 239 Cr.P.C. That application has been rejected in view of the detailed arguments made by the petitioner by making observations on merits.

The learned senior counsel submits that he may be granted permission to withdraw the application dated 02.11.2016 (Annexure P-1) made by the petitioner for discharge.

In my opinion, since the trial is yet to commence and by this order none of the parties to the trial are put to prejudice, it would be in

the interest of justice to allow the petitioner to withdraw the said application for discharge.

In the result the petition is partly allowed. The application under Section 239 Cr. P. C. dated 02.11.2016 (Annexure P-1) is dismissed as withdrawn and accordingly the impugned order dated 02.02.2017 passed by the Special Judge (CBI) Panchkula is quashed and set aside.

3rd MAY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE