

CRR-3545-2017(O&M)

Date of decision: 02.12.2017

Ajay and others

...Petitioners

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Surinder Dagar, Advocate  
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

\*\*\*\*\*

**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the order dated 05.08.2017, passed by the trial Court, framing charges against the petitioners under Section 120-B, 148, 149, 325, 341, 379-B IPC and 25, 54, 59 of Arms Act.

On 07.11.2017, the following order has been passed:-

**“CRM-35100-2017**

*Prayer in this application is for placing on record the copy of the report filed under Section 173 Cr.P.C. (Annexure P-2).*

*Application is allowed. Annexure P-2 is taken on record.*

*Application stands disposed of.*

**CRR-3545-2017**

*Prayer in this petition is for setting aside the order dated 05.08.2017, passed by the trial Court framing charges against the petitioners under sections 120-B, 148, 341, 379-B, 325, 506, 427 of IPC read with Section 149 IPC and section 25 of the Arms Act.*

*Learned counsel for the petitioners submits that a bare perusal of the FIR and the report under Section 173 Cr.P.C. submitted by the police, reveals that offence under*

*Section 379-B is not made out. It is also submitted that while framing the charges under Section 379-B, the trial Court has observed that gold chain was snatched from the complainant but as per the FIR or in the statement of witnesses under Section 161 Cr.P.C. no such allegation is made out.*

*Notice of motion for 20.11.2017.*

*Ms. Harpreet Kaur, AAG, Haryana, who is present in Court today, accepts notice on behalf of the respondent. Copy of the petition has been supplied to her.”*

Learned State counsel, on instructions from HC Rakesh Kumar, has submitted that there is no mention of any gold chain in the FIR and in the report filed under Section 173 Cr.P.C., therefore, the impugned order dated 05.08.2017 wherein, it has been observed that the petitioner-accused has forcibly snatched a gold chain, is apparently, against the said report.

Accordingly, the present petition is allowed and the impugned order dated 05.08.2017 is set aside with direction to the Trial Court for re-framing of charge in accordance with law. The petitioners shall be at liberty to raise all pleas taken in this petition at the time of argument for framing charge.

Disposed of.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**02.12.2017**  
Hemlata

Whether speaking/reasoned  
Whether reportable

Yes / No  
Yes / No