

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22274-2018 (O&M)

Date of decision:17.12.2018

Davinder Kumar and another

.....Petitioners

versus

Gurdarshan Singh and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ravish Bansal, Advocate for the petitioners.

None for the respondents.

Kuldip Singh, J. (Oral)

Respondents NO.1 to 5 are duly served but they have not come present.

Petitioners are aggrieved of the order dated 04.05.2017 (Annexure P-4) passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, vide which in a revision against summoning order, matter has been remanded back to re-appreciate and re-consider the preliminary as well as documentary evidence afresh and pass a speaking order to the effect that whether prima facie case for summoning the accused-respondents under Section 326 & 307 IPC, is made out or not.

I am of the view that the matter has been remanded back to the trial Court to apply its mind. Therefore, petitioner shall be at liberty to raise all the pleas before trial Court.

It being so, there is no ground to interfere in the order dated 04.05.2017 (Annexure P-4) passed by the learned Additional Sessions Judge, SAS Nagar, Mohali.

Accordingly, present petition is dismissed.

Petitioner shall be at liberty to raise his plea before the trial Court. Trial Court shall reconsider the entire evidence without being influenced by the observations made by the learned Additional Sessions Judge, SAS, Nagar, Mohali.

(KULDIP SINGH)
JUDGE

17.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No