

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

**Crl. Revision No. 4770 of 2017(O&M)**

**Date of Decision: 19.03.2018**

**\*\*\***

**Jai Parkash**

**.. Petitioner**

**Vs.**

**State of Haryana & Anr.**

**.. Respondents**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

**Present:- Mr. M.K. Sood, Advocate  
for the petitioner.**

**Ms. Mahima Yashpal, AAG Haryana.**

**Mr. Gautam Kaile, Advocate for  
Mr. Rajeev Sharma, Advocate  
for respondent No.2.**

**\*\*\***

**ANITA CHAUDHRY, J.**

The petitioner is facing trial in FIR No. 177 dated 22.10.2016, registered under Sections 307, 498-A read with Section 34 IPC, at the instance of his wife.

Through the instant petition, a challenge has been laid to the order dated 24.10.2017 vide which the trial Court has ordered to frame charges under Sections 498-A, 304-B and in the alternative under Sections 302 and 201 IPC.

The grievance of the petitioner is that there was no death in the case and the trial Court, without applying its mind, had ordered framing of charges under Sections 304-B, 302 and 201 IPC.

It is apparent that the allegations were of attempt to murder.

The trial Court had framed charges under Sections 498-A and 307 IPC, but

it appears that inadvertently in the order for framing of charge the Sections under which charge was ordered are Sections 498-A, 304-B and in the alternative under Sections 302 and 201 IPC. There is an error. It is necessary thus to direct the trial Court to pass orders afresh.

The petition is allowed. Order dated 24.10.2017 and consequent charge-sheet are set aside. The trial Court is directed to pass orders afresh on the point of charge after hearing the parties.

**March 19, 2018**  
**Jiten**

**(ANITA CHAUDHRY)**  
**JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No