

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

CRR-1142-2019

Date of Decision:03.09.2019

Saraj Singh and another

...Petitioners

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raman Goklaney, Advocate for the petitioners.
Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

On 13.05.2019, following order was passed by this Court:-

“The petitioners have impugned the order dated 20.02.2019 whereby the charges were framed against the petitioners under Section 307 read with Section 34 IPC and Section 25 of the Arms Act.

Learned counsel for the petitioners contends that the impugned order is factually incorrect as it refers to the facts of the cross case which had been registered on the complaint of the petitioners. In the impugned order it has been mentioned that the date of death of Surjit Kaur is 18.08.2016 and as per the medical certificate, the cause of death is refractory septic shock, sepsis hospital acquired pneumonia. However, the FIR No.85 dated 25.07.2016 wherein charges have been framed, refers to a sudden fight in which gun shots had been fired which had allegedly hit the injured Kulwinder Singh.

Issue notice to the respondent.

At the asking of the Court, Ms. Ruchika Sabharwal, AAG, Punjab accepts notice on behalf of the State.

List for hearing on 28.05.2019.”

Learned counsel for the State does not dispute correctness of the contentions raised by the learned counsel for the petitioners.

Keeping in view the aforesaid facts, it is apparent that order passed by the Court of Session framing charge is without application of mind **being based on incorrect facts.**

In view of the above, the impugned order dated 20.02.2019 (Annexure P-1) and consequent charge-sheet (Annexure P-2) are set aside. The learned trial court is directed to pass fresh order.

Disposed of.

03.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No