

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

CRM-M No. 5767 of 2016(O&M)

Date of decision: - 14.11.2019

FAZAL

...Petitioner

Versus

STATE OF PUNJAB & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H. S. Brar, Advocate for the petitioner.

Mr. S.S. Cheema, AAG, Punjab.

Mr. Grumeet Singh Saini, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed the present petition under Section 482 of Cr.P.C. for setting aside the order dated 26.09.2013 (Annexure P-3) passed by the learned trial Court as well as impugned order dated 28.10.2015 (Annexure P-5) passed by the learned Additional Sessions Judge, Ferozepur.

Learned counsel for the petitioner states that the petitioner being the complainant had moved an application under Section 216 of Cr.P.C. before the learned trial Court through Additional Public Prosecutor, for amending the charge under Section 3(X) of SC/ST (Prevention of Atrocities) Act, 1989, and other charges under Sections 324, 323, 148 and 149 of IPC.

It has been argued by the learned counsel for the petitioner-complainant that the complainant was standing outside of the house of

Paramjeet Singh, when the occurrence took place. Moreover, learned counsel for the petitioner-complainant has also referred to his statement as PW-1 (Annexure P-6) in which he specifically stated that he had been standing in front of the house of Paramjeet Singh.

Learned counsel for respondent No. 2 states that the statement dated 16.02.2013 of the petitioner-complainant is an improved version and thus, cannot be taken into consideration.

Learned State counsel has brought to the notice of this Court that till now out of 10 witnesses, only 2 witnesses have been examined.

In view of the above, the impugned order dated 26.09.2013 (Annexure P-3) passed by the learned trial Court as well as impugned order dated 28.10.2015 (Annexure P-5) passed by the learned Additional Sessions Judge, Ferozepur, are set aside.

The matter is remanded to the learned trial Court to decide the application of the petitioner for amending the charge afresh, uninfluenced in any manner by the observations made by this Court.

(HARNARESH SINGH GILL)
JUDGE

14.11.2019

Mangal Singh

Whether reasoned/speaking?	Yes
Whether reportable?	No