

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

**CRR No.3885 of 2016 (O&M)  
Date of Decision: February 25, 2019**

Jagpreet Singh @ Sonu

...Petitioner

VERSUS

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.P.S.Ahluwalia, Advocate  
for the petitioner.

Ms.Monika Jalota, DAG, Punjab  
for the respondent-State.

Mr.Vikas Bahl, Sr. Advocate with  
Mr.Manbir Singh Batth, Advocate  
for respondent No.2.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Jagpreet Singh @ Sonu against respondents State of Punjab and Sharanjit Singh challenging the impugned order dated 03.10.2016 passed by learned Sessions Judge, Patiala, vide which charges were framed against the petitioner under Section 306 IPC

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that copy of the charge-sheet has been placed on record as Annexure P-1. As per the charge-sheet dated 03.10.2016, it is mentioned therein that on 04.06.2016, Gursimran Singh committed suicide by drowning himself in the Bhakra Canal near Passiana and accused have abetted the commission of said offence by filing false complaint under Section 138 of the Negotiable Instruments Act against him and thereby, committed an offence punishable under Section 306 IPC.

Learned State counsel as well as learned counsel for respondent No.2 admitted that no complaint under Section 138 of the Negotiable Instruments Act has been filed by the petitioner so far and this fact has been inadvertently mentioned in the charge-sheet. As per learned State counsel as well as learned counsel for respondent No.2, only legal notice was served on dishonouring of the cheque issued by the deceased.

Keeping in view the above facts, it looks that real facts were not brought to the notice of the trial Court at the time of framing of the charge.

Therefore, finding merit in the present petition, the same is allowed. The charge-sheet dated 03.10.2016 vide which charge has been framed by learned Sessions Judge, Patiala, against the petitioner under Section 306 IPC, is set aside and the matter is remanded back to learned trial Court to re-consider the case and to pass the order, as per law, after giving opportunity of being heard to the parties.

**February 25, 2019**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**