

**217-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-3969-2018

Date of decision: March 26, 2019

Harjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition for setting aside the order dated 20.11.2018 passed by the learned Additional Sessions Judge, Gurdaspur vide which charges have been framed against the petitioner.

A bare perusal of the FIR transpires that petitioner-Harjit Singh is not named in the FIR. Even, the deposition of the prosecutrix transpires that she has not given a specific role to him. In spite of that, he has been charged for the offence under Section 376-D, 323, 324, 326, 342, 450 and 506 of the Indian Penal Code and in fact, he was never present at the spot. Only mobile phone has been recovered from him. It is mentioned in the FIR that Hirdey Pal Singh @ Happy has stolen the mobile phone of the prosecutrix which was recovered from the petitioner.

At this stage, learned counsel for the petitioner has submitted that he wants to withdraw the present petition with liberty to file an application under Section 216 Cr.P.C. before the court below.

Dismissed as withdrawn with liberty as prayed for.

In case, any application is filed, that shall be decided within a period of one month. Learned trial court shall decide that application after going through the material available on record.

(RAJ SHEKHAR ATTRI)
JUDGE

March 26, 2019
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No