

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

**CRR-1723-2019 (O&M)
Date of Decision : 23.07.2019**

Sandeep Singh Petitioner
Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. S.K.Bedi, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

CRM-22078-2019

Application is allowed, as prayed for, subject to all just exceptions.

CRR-1723-2019

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, who is present in court has accepted notice on behalf of respondent-State. Copy of the paper book has been supplied to him.

Service is complete.

Heard. A criminal jurisprudence is based upon the fair trial. When the accused is unable to engage a counsel, no effective order can be passed against him.

A bare perusal of the impugned order transpires that on the day of framing the charge, the accused was not provided legal aid counsel nor he could engage the counsel. It seems that he had been heard on the point

of charge without the legal assistance. It is inherent lacuna which cannot be cured.

In this view of the matter, the impugned order is not sustainable in the eyes of law and is hereby set aside. The trial court is directed to hear the accused on the point of charge and if a prima facie case is made out against him then charge be framed in accordance with law.

The petition stands allowed accordingly.

23.07.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No