

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-33617 of 2019

Date of Decision: 21.08.2019

Gurinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. R.S.Cheema, Senior Advocate
with Mr. Arshdeep Singh Cheema, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Section 482 Cr.P.C. for setting aside order dated 02.08.2019, passed by the learned Special Judge, Mohali, whereby the learned trial Judge decided to fix the case for submissions on the merger/segregation of challans as well as charges to be framed against the accused. The matter is now fixed for hearing on 05.09.2019.

A short point argued by learned senior counsel representing the petitioner that the same controversy was before this Court as the learned trial Judge had been passing contradictory orders at different stages without hearing the learned counsel regarding segregation & merger and this Court passed an order dated 11.10.2018 in petition i.e. CRM-M-29816-2018, relevant portion whereof reads as under:-

*“As the perusal of the orders shows that petitioner-
accused has not been heard before passing of the orders,*

therefore, the above order qua clubbing or separating the trial, are set aside to the that extent. Learned Special Judge, Mohali is directed to pass fresh order after hearing both the parties that whether all these challans are to be clubbed together or to be tried separately etc. as per law.

Therefore, present petition stands allowed in above said terms.”

Notice of motion.

On asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent. A complete copy of paper-book be provided to him during the course of the day.

Apparently, the order passed by the learned trial Judge on 02.08.2019 is against the spirit and directions having been issued by this Court. Accordingly, present petition stands disposed of with the directions to the learned trial Judge to decide the point of merger/segregation at first stage, before proceeding to decide on the point of framing of charges against the accused on the next date fixed.

(Shekher Dhawan)
Judge

August 21, 2019
“DK”

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