

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

CRM-M-38767-2019

Date of Decision:-7.12.2019

ANKIT SINGLA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The learned counsel for the petitioner requests that he may be permitted to withdraw the petition with liberty to move a fresh application before Trial Court seeking alteration of charge, after statement of doctor who was member of Board of Doctors of Guru Gobind Singh Medical College & Hospital, Faridkot, is recorded by Trial Court.

In view of the aforesaid submission, the petition is dismissed as withdrawn with liberty aforesaid.

Upon perusal of the impugned order dated 6.8.2019 (Annexure P-11), this Court finds that the trial Court, after having discussed the matter in detail, had reached at a conclusion that no case for alteration of charge is

made out. However, towards the end of the said detailed order the trial Court somehow made the following observations:-

*‘Nothing new comes on the record which suggest the Court for framing charges under Sections 304-B/406 IPC against the accused as **Issue Estoppel** is applicable to the case in hand’. (emphasis supplied)*

The aforesaid observations were not required as neither any kind of estoppel can be said to operate nor the impugned order had in fact been passed on any such grounds as the impugned order has been passed on merits while considering all the facts & circumstances in detail. In case any fresh application for alteration of charge is filed at a later stage i.e. after recording of statement of doctor who was member of Board of Doctors of Guru Gobind Singh Medical College & Hospital, Faridkot, the trial Court would consider the same independently in accordance with law, without being influenced in any manner by withdrawal of the present petition.

(GURVINDER SINGH GILL)
JUDGE

7.12.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No