

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-1382 of 2021
Date of Decision:17.01.2022**

Rajesh Chahal

---Petitioner

versus

State of Punjab and another

---Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pardhuman Garg, Advocate
for the petitioner

Mr. Rana Harjasdeep Singh, DAG, Punjab

Mr. Tejwinder Singh Hundal, Advocate
for respondent No. 2

AMOL RATTAN SINGH, J.(ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks quashing of the order dated 22.12.2020 (Annexure P-6), passed by learned Additional Sessions Judge, Ludhiana.

Today, learned counsel for respondent No. 2 has raised another argument (without any reply having been filed by the said respondent to the petition itself), to the effect that the application filed by the petitioner before the trial court, that the said respondent be also charged with the commission of offences punishable under Sections 166 and 506 of the IPC, was moved before that court only after more than eight and a half months of the charge being framed against respondent No. 2, with five prosecution witnesses having been examined during that period.

He submits that, therefore, at this stage, this Court would not

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reverse the impugned orders dismissing that application.

Learned counsel for respondent No. 2 also points to Section 221 of the Cr.P.C., which reads as follows:-

“221. Where it is doubtful what offence has been committed.

(1) If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

(2) If in such a case the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of sub- section (1), he may be convicted of the offence which he is shown to have committed, although he was not charged with it.”

Having considered the matter, in view of the aforesaid provision as has been pointed to by learned counsel for respondent No. 2, it is considered appropriate that this petition be disposed of with a direction to the trial court to adjudicate upon the matter before it, naturally after duly considering all evidence led before it, and thereafter deciding as to whether any of the offences as the petitioner before this Court wishes that respondent No. 2 be charged with, are made out; and thereafter take its decision accordingly.

While doing so, the observation made by the learned Revisional Court in paragraph 13 of its order dated 22.12.2020 shall be completely disregarded by the trial court, in view of the fact that in the said paragraph the Revisional court (Additional Sessions Judge, Ludhiana) may be interpreted as having expressed its own opinion on the offences as respondent No. 2 is sought to

be charged with. Thus, that observation made in paragraph 13 of that order shall be disregarded by the trial court while coming to its decision on the basis of all evidence led before it on both sides.

(AMOL RATTAN SINGH)
JUDGE

17.01.2022

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Whether speaking/reasoned : Yes

Whether reportable : Yes