

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

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CRM-M-22338-2022

Date of Decision: 23.05.2022

Ronit Bhandari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R. S. Mamli, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

At the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition with liberty to raise all the pleas, as have been raised herein before the trial Court at the stage of consideration of framing of charges including the following pleas:

- (i) that even if the contents of FIR are taken to be correct, it is at best a case of civil liability inasmuch as the allegations leveled in the FIR are to the effect that the accused had not installed the solar system properly despite having received the payment and that the solar system installed had been blown away by winds;
- (ii) that the petitioner in any case is not owner of the firm, which had supplied the solar system to the complainant and is merely working as Sales Manager, as would be evident from appointment letter (Annexure P-2) and also the salary slip (Annexure P-3).

In view of the aforesaid submission, the petition is dismissed as withdrawn with liberty as prayed for.

The trial Court is directed to consider all the pleas, as have been raised herein at the time of consideration of framing of charges by passing a speaking order.

It is further ordered that in case any application for exemption from personal appearance is moved by the petitioner, who is a resident of Chandigarh while the trial is pending at Ludhiana, the same shall be considered in accordance with law.

23.05.2022
Riya

(GURVINDER SINGH GILL)
JUDGE

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