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

CRM-M-34684-2022

Date of decision : 05.08.2022

Neeraj Anand and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Puja Chopra, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing/setting aside order dated 05.07.2022 (Annexure P-11) passed by the Additional Sessions Judge, Ludhiana in CIS No.CRA/254/2017 titled as Balbir Singh Vs. Neeraj Anand and another in Complaint No.COMI/37350/2013 dated 15.07.2013.

The apprehension raised by the learned counsel for the petitioners inasmuch as the petitioners are bound to be summoned by the trial Court on account of order dated 05.07.2022 (Annexure P-11), vide which, the Additional Sessions Judge, Ludhiana had remanded the matter back to the trial Court, is misconceived inasmuch as the order of the Additional Sessions Judge, Ludhiana specifically states that order dated

29.11.2016 passed by the the trial Court is non-speaking and thus, the matter has been remanded back to the trial Court to re-hear the complainant and to pass a fresh speaking order after taking into consideration the entire evidence adduced by the complainant.

After arguing for sometime, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with liberty to raise all the pleas at an appropriate stage and in an appropriate petition if need be.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Needless to mention that in case, the trial Court in pursuance of remand of the matter, passes a summoning order summoning the present petitioners, it would be open to the petitioners to challenge the said order by raising all the pleas available to them, in accordance with law.

05.08.2022
Pawan

(VIKAS BAHL)
JUDGE

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

Whether reportable:- **Yes/No**