

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

CRR-180-2023 (O&M)

Date of decision : 27.04.2023

Ranjit

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj Kaushik, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Dr. Anand Kumar Bishnoi, Advocate
for respondents No.2 to 6.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 18.11.2022 passed by learned Additional Sessions Judge, Palwal arising out of FIR No.514 dated 11.08.2019, under Sections 147, 148, 323, 324, 506 of IPC (Sections 307, 354, 452 of IPC and Section 25 of Arms Act are deleted later on), at Police Station Camp Palwal, District Palwal wherein this Court has already issued the notice.

In response to the same, learned counsel for respondents No.2 to 6 has appeared. Learned counsel for the petitioner has argued that he has raised various issues in the petition filed under Section 216 Cr.P.C. whereas, the same were not considered by the trial Court and thus, the impugned order was passed without dealing with the grievance raised by him specially firearm injury caused to Sandeep, regarding which Section 307 IPC was subsequently, deleted.

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Learned counsel for respondents No.2 to 6 has opposed the submissions made by counsel for the petitioner and has rather argued that filing of the present petition was only with a motive to delay the trial. He submits that provisions of Section 216 Cr.P.C. could not have been adverted to.

However, this Court finds that both the counsel are *ad idem* that all the grievances raised by both of them be heard by the trial Court afresh and for that purpose the case be remanded back for a fresh decision.

In view of the above, this Court finds the opinion of both the sides is fair. To meet the ends of justice, the impugned order dated 18.11.2022 is *set aside*. Learned trial Court is directed to re-examine all the grievances raised by the petitioner. The learned trial Court would hear the prosecution and the complainant side, in response to the grievances raised by the petitioner. The Court is requested to decide the issue raised in the petition expeditiously as in accordance with law.

Disposed of in above terms.

(RAJESH BHARDWAJ)
JUDGE

27.04.2023
m. sharma

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