

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

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**CRM-M-30736-2023 (O&M).
Date of Decision: 16.06.2023.**

Amandeep Singh**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ****Present:** Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Sehajbir Singh Aulakh, DAG, Punjab.

VINOD S. BHARDWAJ. J (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR bearing No.102 dated 02.09.2020, registered under Sections 307, 498-A, 506, 323 and 34 of the Indian Penal Code, 1860 (Section 307 IPC deleted later on and now Section 326-A IPC is intended to be added by the learned trial Court) at Police Station Fatehgarh Churian, Batala, District Batala.

The FIR in question was originally registered under Sections 307, 498-A, 506 and 323/34 of the Indian Code, however, during the course of investigation, offence under Section 307 of IPC was deleted by the Investigating Agency and the charge sheet was filed only under Sections 498-A, 506 and 323/34 of IPC. The petitioner was granted the

concession of regular bail in the aforesaid case. However, on a revision petition being preferred by the petitioner before the Court of Sessions, the matter has been remanded to the trial Court to examine the evidence and to return a finding as to whether offence under Section 307/326-A of the Indian Penal Code, is made out or not.

Apprehending that the Court is likely to add charge under Section 326-A of the Indian Penal Code, pursuant to an order of remand, the petition for anticipatory bail had been filed. The said petition had been dismissed on the ground that the same has been filed on pre-emption, conjectures and surmises and that no charge in question so far has been framed. Notwithstanding the aforesaid observations recorded by the revision Court, the petitioner has filed the present petition.

Learned counsel for the petitioner fairly concedes that though arguments have been addressed pursuant to the order of remand, however, no charge has been framed as yet. It is evident that the Additional Sessions Judge, has not directed framing of specific charges against the petitioner and has only directed the trial Court to examine the evidence as to whether the said offences would be made out or not and to pass a speaking order after granting opportunity of hearing to the respective parties.

Noticing that no charge has been framed, I am of the opinion that the present petition is pre-mature at this stage. Consequent to the order of remand by the Additional Sessions Judge, Gurdaspur, the Magistrate is yet to return a finding as to whether the offence in question is made out or not. The cause of action for apprehending arrest would come on thereafter.

The preset petition is accordingly disposed of as not pressed at this stage with liberty to the petitioner to take appropriate remedy as and whpen cause of action arises in his favour.

June 16, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No