

S. No.110

2023:PHHC:161210

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

CRR No.2877 of 2023

Date of Decision:15.12.2023

Raj Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Namit Khurana, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Grievance of the petitioner is against order dated 13.10.2023 passed by learned Additional Sessions Judge, Yamuna Nagar whereby petitioner has been charge-sheeted under Section 413 IPC in a case arising out of FIR No.679 dated 09.12.2022 registered at Police Station City Jagadhri under Section 380/34 IPC and Section 413 IPC.

Contention of learned counsel for the petitioner is that there was absolutely no material on record in order to show that petitioner was habitual of receiving or dealing in the property knowing or having reason to believe the same to be stolen property, therefore, the said charge is not sustainable.

Learned counsel for the petitioner also referred to a judgment of this Court in **Jasbir Singh @ Jassa and another Vs. State of Punjab, CRR-2697 of 2017 (O&M)** decided on 21.12.2022.

Notice of motion.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Learned State Counsel concedes that there is no material as per report under Section 173 Cr.P.C to disclose that petitioner is the habitual receiver of the stolen property.

In the afore-said circumstances, the impugned order dated 13.10.2023 charge-sheeting the petitioner under Section 413 IPC is hereby set aside. The matter is hereby remanded back to the Court concerned with direction to consider the material available on record and then to consider framing of charge.

Disposed of.

December 15, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No