



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

112**CRR-1017-2024**

Date of Decision: 20.05.2024

Deepak Mahajan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Avnish Mittal, Addl. AG, Punjab.

ANOOP CHITKARA, J.

Seeking setting aside of the order dated 05.03.2024, passed by the Additional Sessions Judge cum Special Judge, Gurdaspur, whereby the charges have been framed against the petitioner under Sections 120B, 409 IPC and Sections 13(1)(a) & 13(2) of PC Act, petitioner has come up before this Court by filing the present Criminal Revision Petition.

2. Perusal of the file shows that this Court had remanded the matter back in the case of Naresh Mahajan, by making specific observations for the reason that he had again come up before this Court by bringing to the notice of this Court that observations made in his order by this Court, were not referred to in the order of framing of charges by the concerned trial Court. Thus, on this short point, this Court remanded the matter of Naresh Mahajan back to the trial Court. Now the petitioner has come up before this Court seeking same relief whereas no such liberty was given to him. Petitioner's counsel submits that this Court had granted similar benefit to other persons namely Jatinder Kumar (vide order dated 06.05.2024 passed in CRM-M-17588-2024) and Khushbir Singh (vide order dated 07.05.2024 passed in CRR-647-2024).

3. It appears that at the time of passing such orders, State of Punjab did not have appropriate instructions and the petitioner did not bring to the notice of the Court that Jatinder Kumar as well as Khushbir Singh had earlier not come to this Court. Therefore it would be permissible for the State to file recalling application of order dated 07.05.2024 passed in CRR-647-2024 and order dated 06.05.2024 passed in CRM-M-17588-2024, but the petitioner is not entitled to relief simply because two of the co-accused did not bring the correct facts to the notice of the Court.

4. At this stage, petitioner’s counsel wants to withdraw the present petition with liberty to file a fresh after the passing of order by the trial Court pursuant to direction of this Court in CRR-693-2024 titled as Naresh Mahajan vs. State of Punjab. Counsel further submits that he has other points on merits against charges and he be permitted to challenge all such points.

5. Given above, petition is disposed of as withdrawn with liberty to file a fresh after decision of Naresh Mahajan’s case (supra) and raise other points at the time of filing fresh petition. It is clarified that filing and withdrawal of the present petition shall not come in the way of filing of fresh petition. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.05.2024
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no