

CRR-1429-2023
Date of Decision: 08.08.2024

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Mr. M. S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition against the impugned order and charge sheet dated 15.03.2024, whereby charge under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was ordered to be framed against the present petitioner.
2. Learned counsel for the petitioner contends that on 7.12.2021, the petitioner had moved an application for discharging the petitioner/accused Sushil Kumar. Notice was issued in the said application and reply was also filed by the learned State counsel. He further contends that on 15.03.2024, the case was listed for framing of charge and District Bar Association, Tarn Taran was observing "No Work Day". The present application (Annexure P-3), which was pending for discharge of the petitioner, could not be brought to the notice of the trial Court and the trial Court had wrongly framed charge against the petitioner, without deciding his application (Annexure P-3). He submits that the trial Court should have decided the application (Annexure P-3), before framing charge against the present petitioner and the impugned order is legally unsustainable.
3. On the other hand, learned State counsel submits that the present petitioner is a habitual offender and is involved in other cases under Narcotic Drugs and Psychotropic Substances Act, 1985. However he has no serious objections to the prayer made by the learned counsel for the petitioner.

4. In view of the statements made by the learned counsel for the parties, without commenting on the merits of the case, the impugned order and charge sheet dated 15.03.2024 passed by the Court of Additional Sessions Judge, Tarn Taran, are set aside. The trial Court is directed to consider the application for discharge filed by the petitioner at the time of framing of charge and to pass a speaking order on the respective arguments raised by the learned counsel for the petitioner as well as learned State counsel.

5. Needless to observe that the trial Court shall decide the issue of framing of charge, without getting influenced by the present order passed by this Court and the matter regarding framing of charge shall be decided by the trial court on the basis of the final report under Section 173 Cr.P.C. presented by the police, in accordance with law.

6. The present petition stands disposed off.

08.08.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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