



CRR-1524-2024

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

CRR-1524-2024

Decided on : 07.11.2024

Nar Singh

..... Petitioner

Versus

Ajmer Singh

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present : Mr. Vikram Singh, Advocate  
for the petitioner.Mr. Deepak Girotra, Advocate  
for the respondent.

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**Manjari Nehru Kaul, J.(Oral)**

1. The petitioner is impugning the order dated 22.07.2024 passed by learned Addl. Session Judge, Rohtak vide which the petitioner-accused was charged under Sections 3, 4, 5 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act') in a private complaint bearing No.COMA 30 of 2023.

2. Learned counsel for the petitioner contends that the petitioner is an accused in a private complaint filed under Sections 3, 4 and 5 of the Act by the respondent. It has been further submitted that, upon receiving the complaint, the trial Court adjourned the matter for pre-charge evidence. The case was subsequently adjourned to 05.12.2023; 23.02.2024; 23.04.2024; 20.05.2024;



27.05.2024 and 30.05.2024. However, on none of these dates the complainant presented any pre-charge evidence. Despite this, the trial Court proceeded to frame charges against the petitioner on 22.07.2024, erroneously noting that a report under Section 173 Cr.PC had been filed, which was wrong as the case was based on a private complaint.

3. It has been further submitted by the learned counsel that the impugned order dated 22.07.2024 passed by the trial Court is against all canons of law, as charges were framed against the petitioner without any pre-charge evidence being recorded. Learned counsel for the petitioner contends that the procedure outlined under Sections 244 to 246 Cr.PC mandates that, after hearing the prosecution and appreciating the pre-charge evidence presented, the Court must determine whether to discharge the accused or frame charges. However, the impugned order demonstrates a clear non-application of mind, as the trial court proceeded to frame charges solely on the basis of contents of the complaint without considering any evidence. Therefore, it is prayed that the impugned order deserves to be set aside.

4. Learned counsel for the respondent, on the other hand, has fairly conceded that the impugned order was indeed passed without recording any pre-charge evidence.

5. I have heard learned counsel for the parties and perused the material placed on record.



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6. Admittedly, and as not disputed by the learned counsel for the respondent-complainant that the procedure laid down under Sections 244 to 246 Cr.PC was not followed in the instant case. Charges were framed against the petitioner without any pre-charge evidence being recorded.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the impugned order dated 22.07.2024 is hereby set aside. The case is remanded back to the learned trial Court.

07.11.2024  
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**(MANJARI NEHRU KAUL)**  
**JUDGE**

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