

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

113+257

CM-33-CWP-2024 in/and
CWP-27379-2023 (O&M)
Date of Decision: 08.01.2024

RAJESH CHOPRA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ajit Singh Lamba, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab
for respondents No.1 and 2.

Mr. Narinder S. Lucky, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

CM-33-CWP-2024

Allowed as prayed for subject to all just exceptions.

The notice under Section 160 Cr.P.C. dated 18.12.2023 (wrongly mentioned as 18.12.2024) is ordered to be taken on record as Annexure P-9. Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

Challenge in the present petition is to the notice under Section 41-A of the Code of Criminal Procedure bearing No.4557/5A/PS Sohana dated 18.11.2023 in Case FIR No.0346 dated 06.09.2023 (Annexure P-2) registered at Police Station Sohana, S.A.S. Nagar Mohali under Sections 406, 420, 384 and 506 of IPC as well as all consequential proceedings.

Vide the CM-33-CWP-2024, counsel for the applicant-petitioner has submitted that the abovesaid notice under Section 41-A of the Cr.P.C. was sent by quoting erroneous sections and that the same was infact a notice under Section 160 Cr.P.C. He fairly submits that there is no challenge raised to the notice under Section 160 Cr.P.C. He thus submits that in view of the changed scenario, he may be permitted to withdraw the present petition at this stage with liberty to take recourse to the appropriate remedy in accordance with law and against the notice, if any, issued against the applicant-petitioner.

Learned State Counsel has no objection to the same.

Disposed of as withdrawn at this stage, with the liberty as aforesaid.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

JANUARY 08, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No