



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-62226-2024 (O&M)
Date of Decision:-13.12.2024

Amit Kumar Garg and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioners.

Mr. Siddharth Atttri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek quashing of FIR (Annexure P-5) as well as Challan (Annexure P-6) & order dated 3.3.2023 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Ludhiana while considering the framing of charges.
2. Learned counsel for the petitioners submitted that although lengthy arguments were addressed at the stage of considering the framing of charges by learned counsel representing the petitioners/accused, but an absolutely non-speaking order has been passed by the Trial Court though specific directions had been issued by this Court vide order dated 30.5.2022 passed in CRM-M-23969-2022 to pass a speaking order with respect to the submissions raised on behalf of the petitioners.
3. Notice of motion.



4. At this stage, Mr. Siddharth Attri, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
5. The specific directions issued by this Court vide order dated 30.5.2022 passed in CRM-M-23969-2022 are reproduced herein-under:

“At the very outset, learned counsel for the petitioners submits that since the matter is fixed today before the trial Court to consider framing of charges, he may be permitted to withdraw the instant petition with liberty to raise all the pleas, as have been raised herein, before the trial Court.

In view of the aforesaid submission, the petition is dismissed as withdrawn with liberty as prayed for.

It is directed that the trial Court while considering framing of charges shall consider all such submissions as may be raised before it by the petitioners and pass a speaking order thereupon provided the same has not already been passed as of now.”

6. Learned State counsel could not dispute the factum of issuance of above referred directions vide order dated 30.5.2022 passed in CRM-M-23969-2022. The Trial Court was certainly expected to have passed a speaking order, but the same not having been passed, the impugned order deserves to be set aside
7. Consequently the instant petition is accepted to the limited extent that the impugned order dated 3.3.2023 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Ludhiana is hereby set aside. The Court concerned is



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directed to consider the matter afresh as regards framing of charges and to pass a speaking order with respect to all such pleas as may be raised before it.

8. The instant petition is disposed off.

13.12.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No