

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-27334 of 2015

Date of Decision: September 29, 2015

Aditya Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr.B.B. Bagga, Advocate
for the petitioner.

-. -

M.M.S. BEDI, J. (ORAL)

Petitioner seeks quashing of the FIR and the charges framed against him under Section 420 IPC in a case which was registered at the instance of Neelam Rani alleging that she was approached by the petitioner through a property dealer Ajay Kharbanda to purchase a property. The case of the complainant is that though she paid the loan account still she was deprived of the property by another bank.

Counsel for the petitioner has submitted that no offence is made out against the petitioner as he had neither any intention from the very beginning to cheat the complainant nor he has ever caused any wrongful loss

to the complainant and corresponding gain to himself as he had sold the property to the complainant being a bonafide seller. It has also been argued that the property had earlier been sold by Gurdeep Singh to Amit and it was Amit from whom the petitioner had acquired the title. Petitioner was never aware of the defect in the description or title of the property. He also claims that a civil suit is pending.

I have heard learned counsel for the petitioner and I am of the opinion that since the charges have been framed on the basis of the prima facie material forming part of the report under Section 173 (2) Cr.P.C., it will not be appropriate to appreciate the strength of the case of the prosecution on the basis of the probable defence available to the petitioner.

However, ends of justice would be met in case a direction is issued to the trial Court to conclude the trial within a period of one year after the next date of hearing by giving a fair opportunity to the petitioner to produce his defence evidence at an appropriate time.

This petition is disposed of directing the trial Court to expeditiously dispose of the trial preferably within a period of one year with liberty to the petitioner to raise all the pleas of defence at an opportune time during the course of trial. It will be open to the petitioner to impeach the credibility of the prosecution witnesses and to produce the defence evidence.

September 29, 2015
sanjay

(M.M.S.BEDI)
JUDGE