

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28311-2015
Date of decision: 16.9.2015

Sukhdeep Singh & another ...Petitioners

Versus

State of Punjab & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Rajan Gupta, J.

In this petition, petitioners seek quashing of FIR No.169 dated 13.10.2007, under sections 148, 307, 367, 326, 325, 324, 323, 149 IPC, registered at Police Station Mehta, District Amritsar, on the basis of compromise.

FIR was lodged on the basis of complaint of Baljit Singh. He stated that on 13.10.2009, he was working in his fields when he was told by his nephew that Rajbir Singh had been seriously wounded by accused. After causing injuries he was taken to house of Dalbir Singh and Darshan Singh. Complainant reached the house of the accused and fired in the air. Due to this they fled from the spot. Petitioner No.1 absconded during the pendency of proceedings. Co-accused were, however, convicted by the trial court for offence under section 307 IPC apart from other related offences. Seven years rigorous imprisonment was awarded for offence under section 307 IPC.

Learned counsel for the petitioners has argued that in the appeal preferred by the co-accused, sentence has been reduced to that already undergone by them. In view of same, present petition deserves to be allowed and FIR qua the petitioners be quashed.

Prayer has been opposed by the State counsel. According to him, petitioners are also main accused in the case. They never associated with the proceedings. Their plea is, thus, misconceived.

I find substance in the plea raised by the State counsel. FIR was registered way back in the year 2007 but petitioners dodged the process of law. Petitioner No.1 was declared a proclaimed offender during the proceedings. Co-accused were convicted on the basis of same evidence. Stand of the State is that trial qua the petitioners is in progress. Sufficient evidence is available against them. Prosecution evidence is being led. It is inexplicable how petitioners can seek quashing of FIR on the basis of compromise at this stage. Petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

16.9.2015
'Rajpal'