

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M- 36275 of 2013

Date of Order: 22.09.2015

Harbhajan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mrs. Amarjeet Kaur Khurana, Addl.A.G, Punjab.

AJAY TEWARI, J (ORAL)

Prayer is for quashing of FIR No.3 dated 02.01.2013 under Sections 406 and 420 IPC, P.S Sadar, District Kapurthala and subsequent proceedings arising therefrom.

Learned counsel for the petitioner has vehemently argued that the FIR itself reveals that the complainant has abused the process of law.

Learned state counsel as well as counsel for the complainant have however argued that the prosecution evidence is at the fag end. The last material witness i.e respondent No.3 has been examined in chief and has to be cross examined and that the matter is fixed for 25.09.2015 for such purpose. Apart from that, two formal witnesses i.e one ASI, who arrested the petitioner and the other Deputy Superintendent of Police, who conducted the inquiry, still remain to be examined.

Heard learned counsel for the parties.

If the allegations against the petitioner are found to be

incorrect, he would be acquitted and rather he may even get a finding, which would help him in prosecuting the respondents for malicious prosecution. Had it been a case, where the petitioner had not faced the trial, something may have survived but he has admittedly faced almost the entire prosecution. Therefore, no case is made out to entertain the present petition.

Under these circumstances, without commenting upon the merits of the case, which would be seen by the learned trial Court, the present petition is dismissed at this stage.

September 22, 2015
manoj

(AJAY TEWARI)
JUDGE