

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

Date of decision:18.11.2015

Gurprabhdhayal Singh

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Atul Lakhanpal,Sr.Advocate asissted by
Mr.Jasmeet Singh,Advocate for the petitioner
Mr.Kirat Singh Sidhu,Deputy Advocate General
for State of Punjab

Jaswant Singh,J.(Oral)

Prayer on behalf of petitioner-Gurprabhdhayal Singh is for deletion of his name from array of accused in FIR No.87 dated 16.7.2009 under Sections 307,148,149 IPC and 25/27 of the Arms Act,PS Sadar Tarn Taran, Distt.Tarn Taran as also the charge sheet dated 31.1.2012(P-4).

It is contended that petitioner is a Canadian national and was never in India between January 2008 till date and factually his brother Harprabhdhayal Singh who was treated as accused in the said proceedings although by mistake he is shown as Gurprabhdhayal Singh.

Upon being directed to verify the facts, learned State counsel has filed a short affidavit dated 14.11.2015 of Suba Singh, DSP,Sub Division, Goindwal Sahib, Distt.Tarn Taran. In the said

affidavit the contended mistake has been admitted. Same, for ready reference, reads as under:-

“That on receipt of present petition it is verified that Gurparbhdoyal Singhpetitioner is a Canadian national and was never in India between January 2008 till date and not wanted in the present FIR as per the supplementary statement of complainant Harnek Singh and investigation.”

In the light of aforesaid factual position, learned State counsel has no objection if the allegations in the FIR,if any, and all subsequent proceedings against the present petitioner-Gurprabhdoyal Singh son of Sukhwinder Singh be ordered to be quashed.

In view of the above,present petition is allowed and the allegations,if any, against the present petitioner in the aforesaid FIR and all subsequent proceedings are ordered to be quashed.

SSP Tarn Taran is directed to fix the responsibility of the guilty official(s) who was/were responsible for this mistake and the resultant finding be recorded in their respective ACR(s).

18.11.2015.
joshi

(Jaswant Singh)
Judge