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

CRM-M-38814-2012
Date of decision : 17.11.2015

Satnam Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

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

Present: Mr. T.P. Singh, Advocate, for the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. Sandeep Verma, Advocate, for respondent No.2.

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

Petitioner alongwith co-assued Manjit Singh had allegedly defrauded complainant of sum of Rs.22,000/-. Co-accused Manjit Singh was acquitted after trial vide order Annexure P-6 on 09.11.2005.

Petitioner seeks quashing of the FIR No.116 dated 20.10.1996 on the ground that the co-accused has been acquitted on the same material, which is to be produced against him. Counsel submits that the petitioner being proclaimed offender was not able to get the benefit of acquittal order, but has submitted that at present the complainant and all the material witnesses have already died.

Supplementary challan appears to have been presented.

Taking into consideration the totality of the circumstances and striking a balance between the right of expeditious trial and the right of prosecution agency to make an attempt to substantiate the charges by producing evidence before the Court, I am of the opinion that the interest of justice would be adequately met in case a direction is issued to the trial Court to conclude the entire proceedings against the petitioner within a period of three months, after the next date of hearing which is stated to be 09.12.2015 as I am of the opinion that merely because the co-accused has been acquitted while the petitioner was proclaimed offender, would not constitute a good ground to quash the proceedings.

With the above direction this petition is disposed of directing the petitioner to appear before the Court concerned. It will be open to the trial Court to close the evidence of the prosecution in case of evasive approach or non-existence of the prosecution witnesses.

November 17, 2015

Ramandeep Singh

(M.M.S. BEDI)
JUDGE