

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

CRM-M-38937-2015

Date of decision-14.12.2015.

AJMER SINGH AND ANR.

...Petitioners

VS

STATE OF PUNJAB AND ANR.

...Respondents

CORAM:-HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G. Punjab.

Mr. Sanjay Tangri, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed for direction to the trial Court to decide the FIR case and the private complaint together.

It is alleged that for the same offence FIR was first lodged and thereafter the complaint was also filed and in these circumstances it is incumbent upon the Magistrate to try both the cases together under Section 210 sub-section 2 of Cr.P.C.

Learned counsel for the complainant/respondent No.2 has stated that the complainant had to file a complaint only because the police had not invoked certain sections and the complaint was filed to ensure that those sections should also be invoked against the petitioners.

Written statement filed on behalf of respondent No.2 is taken on record. Copy has been supplied.

Learned Senior Counsel for the petitioners, on the other hand has argued that this fact cannot permit the trial Court to try both the cases

separately and if at any stage the Magistrate comes to the conclusion that the sections sought to be added in the complaint are made out against the petitioner the charge can be amended and in case as claimed by the complainant, there are some witnesses who are to be examined for the additional sections the same can well be examined in the case.

Learned counsel for the complainant/respondent No.2 states that in view of this statement he has no objection if both the cases are clubbed and tried together.

In the circumstances, the trial Court is directed to club and try both the cases together.

Petition stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

December 14, 2015

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