

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-40683 of 2015 (O&M)
Date of decision: 02nd December, 2015

Ranjit Siangh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

INDERJIT SINGH, J.

Petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of FIR No.161 dated 08.07.2003, registered at Police Station Kharar, District SAS Nagar (Mohali), under Sections 307, 452, 328, 323, 325, 148, 149 IPC and Section 25 of the Arms Act (Sections 307, 452, 328 IPC were deleted during investigation) and also the order dated 06.07.2011, vide which he has been declared as proclaimed offender.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments learned counsel for the petitioner contended only on one point that co-accused has been acquitted by the learned trial Court, therefore, the said FIR as well as the order dated 06.07.2011, declaring the petitioner proclaimed offender be also quashed. No other point has been argued for

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quashing the said FIR and order. Learned counsel for the petitioner also relied upon the judgment of this Court delivered in case **Sudo Mandal @ Diwarak Mandal versus State of Punjab 2011 (2) RCR (Criminal) 453.**

In the said judgment, the Division Bench of this Court observed that eye witnesses were implanted and were untrustworthy. Exercise of power under Section 482 of the Code of Criminal Procedure held that it would be empty formality to send them for trial on some unbelievable and untrustworthy evidence which would ultimately lead to their acquittal.

In the present case, as argued by the learned counsel for the petitioner, the acquittal of co-accused is by giving of benefit of doubt. Therefore, the said citation, having distinguished facts, will not apply in the present case.

Nothing else has been argued. Only on this ground that co-accused has been acquitted, the said FIR and order cannot be quashed.

Therefore, finding no merit in the instant petition, the same is dismissed.

02nd December, 2015
mamta

(INDERJIT SINGH)
JUDGE