

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43187-2014 (O & M)
Date of decision:28.10.2015

Davinder Singh @ Lucky

...Petitioner(s)

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.K. Arya, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl.A.G., Punjab.

Mr. Amit Dhawan, Advocate,
for respondent No.2.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.21 dated 03.02.2011 registered against the petitioner under Sections 363/366/120-B IPC, at Police Station Civil Line Batala, Police District Batala.

Admittedly, all co-accused have faced trial and have been acquitted by the trial court. The petitioner who has been declared proclaimed offender is yet to surrender.

This court is not inclined to quash the FIR merely on the ground that co-accused have been acquitted in view of law laid down by this court in judgment titled as '*Munfed and another vs. State of Haryana*', CRM-M-13084 of 2014 decided on 09.07.2014.

This petition is, however, disposed of with the direction that in case, petitioner surrenders before the trial court within ten days from today and applies for bail, his bail application shall be decided within three days thereafter. Arrest of the petitioner shall remain stayed till then. It is made clear that petitioner shall thereafter face the trial.

28.10.2015
sukhpreet

(RAJAN GUPTA)
JUDGE