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

CRR No.3481 of 2014

Date of Decision: September 08, 2015

Pal Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S. Saini, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition challenging the order dated 05.07.2014, whereby, charges were ordered to be framed against the petitioners.

Learned counsel for the petitioners has submitted that supplementary challan has been presented against the petitioners. In fact, accused who had faced the trial have since been acquitted by the trial Court vide order dated 07.08.2015. Therefore, the order, whereby, charges were ordered to be framed against the petitioners, was liable to be set aside. Sanction for prosecution of the petitioners had not been obtained from the competent authority for proceeding against the petitioners under the Unlawful Activities (Prevention) Act, 1967 ('Act' for short). The office who had conducted investigation in the present case was

not competent to investigate the matter.

In the present case, initially, challan was presented against Sukhdev Singh, Gurinder Singh, Joga Singh, Gurmit Singh, Gurjit Singh and Sher Singh. Supplementary challan was presented against the petitioners. At the time of framing of the charges against the petitioners, trial against their co-accused was pending. Charges were framed against the petitioners vide order dated 05.07.2014, whereas, co-accused of the petitioners have been acquitted by the trial Court at a later stage on 07.08.2015.

At the time of decision of the trial, the trial Court will take into consideration the judgment dated 07.08.2015, whereby, co-accused of the petitioners were acquitted qua charges framed against them under the Act. At this stage, it would not be just and expedient to quash the criminal proceedings against the petitioners on the basis of the judgment which was passed during the pendency of this petition. Petitioners would be at liberty to take up all the pleas available to them during trial, before the trial Court.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

September 08, 2015
mahavir