

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

(118)

CRM-M-11071-2016 (O&M)

Decided on: April 01, 2016.

Baljinder Singh @ Sanga

.... Petitioner

Versus

U.T. Chandigarh and another

..... Respondents

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

Present: Mr. Param Preet Singh Brar, Advocate, for the petitioner.

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

Petitioner, being a proclaimed offender, was not able to derive benefit of the acquittal order passed in favour of his other six co-accused vide judgment Annexure P-2 dated 13.03.2002 in an assault case.

Learned counsel for the petitioner submits that the petitioner having gone abroad was declared proclaimed offender and that the injured persons PW Jaswant Singh and Avtar Singh have already stated on oath that they were not known to the petitioner and that no fight had taken place on 29.07.1999.

The FIR can be quashed merely on the ground that co-accused have been acquitted while the petitioner was proclaimed offender. Petitioner has impleaded Avtar Singh as respondent No.2 being complainant whereas the person who had been kidnapped was Jaswant Singh PW.

I have considered the contentions of learned counsel for the petitioner.

The proceedings against the petitioner cannot be quashed merely on the ground that his co-accused have been acquitted while he opted to stay away from the Court. The only relief which can be granted to the petitioner is that the trial Court can be directed to conclude the trial within specified short duration as the petitioner is resident of Canada and has come to the Court to put in appearance. The petitioner, however, can still seek quashing in case the matter has been compromised with the complainant and the injured/affected persons.

Petition is dismissed. However, a direction is issued that in case, the prosecution agency opts to present supplementary challan against the petitioner, the trial Court shall make earnest endeavour to record the statements of the material witnesses mentioned hereinabove within a period of one/two months and depending upon their statement, decide the case, also taken into consideration the judgment of acquittal passed qua the other co-accused.

Dismissed without prejudice to the right of the petitioner to seek quashing on the basis of compromise.

(M.M.S. BEDI)
JUDGE

April 01, 2016
harsha