

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 16445 of 2012 (O&M)

Date of decision: 16.02.2016

Sadhu Ram and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.S.S.Brar, Advocate for
Mr.H.S.Thiara, Advocate for the petitioners
Mr.A.S.Kler, DAG Punjab
Mr.Parminder Singh, Advocate for the respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of police report dated 10.12.2010 filed under Section 173 Cr.P.C. (Annexure P5). He has also challenged the order dated 7.2.2011 (Annexure P2), vide which, the learned Chief Judicial Magistrate, Hoshiarpur framed the charges. Also challenged is the order dated 27.4.2012 (Annexure P4), passed by the learned Additional Sessions Judge (Adhoc) Fast Track Court, Hohisarpur, vide which his revision against the order of framing of charge was dismissed.

Today this Court has been informed by learned State

counsel along with counsel for the complainant, on instructions from HC Raj Kumar that the trial is pending before the lower Court the same was fixed for today. Trial is almost complete and some witnesses are required to be cross-examined.

The plea of the learned counsel for the petitioner is that the petitioner was named in this case on the basis of the confessional statement made by one Pankaj Kumar son of the petitioner No.1 and brother of petitioner No.2.

I am of the view that once the trial is going on and the major part of the evidence has been recorded, then this Court should not exercise the powers under Section 482 Cr.P.C. to quash the report under Section 173 Cr.P.C. so as to pre-empt the findings on merits.

As such, the present petition is dismissed at this stage with liberty to the petitioner to raise all the available pleas before the trial Court at an appropriate stage which shall be considered and decided on merits.

16.02.2016
gk

(Kuldip Singh)
Judge