

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

CRM No.M-17915 of 2016 (O&M)

Date of Decision: May 23, 2016

Harbans Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Mehndiratta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab, Chamkaur Singh and Lakhvir Singh for issuing directions to learned Addl. Sessions Judge, Patiala, to postpone the hearing of Sessions Case No.0000134 of 2015 pending for 23.05.2016 arising out of FIR No.10 dated 29.01.2015 registered under Sections 302, 203, 342, 34 IPC and Section 25 of the Arms Act at Police Station Bakshi Wala, District Patiala till the decision of CRR No.565 of 2015 filed by the petitioner against the order dated 01.12.2015 passed by learned Judicial Magistrate Ist Class, Nabha, whereby the complaint No.88 dated 23.03.2015 was dismissed.

At the time of arguments, learned counsel for the petitioner argued that in the aforesaid FIR, challan has already been presented by the police against two persons and as argued, charges have also been framed and

the trial is going on.

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

From the record, I find that the present petitioner is not the complainant in the FIR case but he has filed a complaint against five persons regarding same occurrence including those who are already facing trial and that complaint has already been dismissed by the Magistrate against which, a revision petition is stated to be pending before Session Court, Patiala. That revision petition is to be decided independently and merely on the fact that revision petition is pending against the dismissal of the complaint, the trial proceedings are not liable to be stayed.

In view of the above discussion, no ground is made out for giving directions to learned Addl. Sessions Judge, Patiala, to postpone the hearing of case.

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

May 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE