

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17493-2014

Date of decision:18.10.2016

Garib Dass @ Gareeb Dass and others

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr. Sarju Puri, Advocate,
for the petitioners.

Mr. Jashanpreet Singh, AAG, Punjab.

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

This is a petition for a direction to the Additional Sessions Judge, S.B.S. Nagar, to club two criminal cases, arising out of FIR No. 31, dated 07.05.2012, under Sections 420, 465, 467, 468, 471 and 120-B I.P.C., registered against the petitioners and other co-accused at Police Station City S.B.S. Nagar, District S.B.S. Nagar and FIR No. 56, dated 22.06.2012, under Sections 420, 465, 467, 471, 409, 468 and 120-B I.P.C. and under Section 13 (1) (d) of the Prevention of Corruption Act, 1988, registered against the petitioners and other co-accused persons on the same set of allegations at Police Station City Nawanshahar, District S.B.S. Nagar.

It is averred in the petition that the said two FIRs are based upon the similar type of allegations and the charges are to be framed on the same facts and allegations.

In the reply filed by the learned State counsel, it has been mentioned that the said two FIRs relate to distinct transactions and have been registered on the complaint of Senior Superintendent of Police, S.B.S. Nagar, after due enquiry by the Deputy Superintendent of Police. FIR No. 31 relates to the embezzlement committed by the petitioners, whereas FIR No. 56 though deals with the embezzlement, but the period is from the year 2005 to 2010.

I have considered the facts and circumstances of the case. Legally clubbing of the proceedings arising out of two FIRs is not permissible, if these have been registered pertaining to the independent events of different periods. The Additional Sessions Judge has rightly dismissed the application vide order dated 25.04.2014, for clubbing the FIRs.

In view of the above, the petition is dismissed. However, it will be open to the petitioners to seek the adjudication of both the matters simultaneously by one Court.

October 18, 2016
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(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No