

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

CRM M-30531 of 2014

Date of decision : 09.05.2016

Surjit Singh & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. V.K. Jindal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioners have prayed for consolidation of trial pursuant to FIR No. 4 dated 14.08.2013 registered at police station SSOC Amritsar and FIR No. 42 dated 15.08.2013 registered at police station Taragarh District Pathankot.

Learned counsel for the petitioners has vehemently argued that provisions of section 219 Cr.P.C. are attracted to the instant case. Thus, trials of both cases need to be consolidated.

Prayer has been opposed by learned State counsel. He submits that both the incidents are distinct and FIRs have been registered at different police stations. Prayer made in the petition is mis-conceived and thus, needs to be rejected outrightly. He has referred to reply filed by way of affidavit of Prabhjot Singh Virk, Deputy Superintendent of Police (Rural), Pathankot.

I have heard learned counsel for the parties.

FIR No. 42 dated 15.08.2013 was registered for commission of offence under sections 21/25/26-61-85 NDPS Act at

police station Taragarh, Pathankot on information being received that one black endeavour car driven by two persons was heading from Amritsar towards Pathankot. Occupants of the vehicle had launched a deadly attack on officials of SSOC, Amritsar and were carrying intoxicant substances. Pickets were, thus, enacted and checking of vehicles started. After 15-20 minutes, vehicle in question was seen coming from Dinanagar side. It tried to take U-turn. The accused were, however, nabbed. They disclosed their names as Surjit Singh and Hargobind Singh Sodhi. The vehicle was subjected to thorough search. Seven packets of heroin were recovered from the vehicle each containing one kg thereof. Investigation ensued. FIR No. 4 was registered earlier in time i.e. on 14.08.2013 at police station SSOC Amritsar under sections 21, 25, 29, 61 & 85 NDPS Act and sections 307, 411, 414, 420, 457, 468, 471 IPC. FIR No. 42 was registered on 15.08.2013 at police station Taragarh under sections 21, 25, 29, 61, 85 of NDPS Act. Petitioners have prayed that incident being the same transaction, trials need to be consolidated. I am not convinced with this plea. Both occurrences are distinct from each other. Crimes were committed in different jurisdictions and cannot be said to be part of the same transaction. In the first incident, accused fired at personnel of the Special Operation Cell, Amritsar and fled. While fleeing they tried to run over ASI Sukhbir Singh. He fired two shots from his service revolver to burst tyres of the car. The accused, however, succeeded in fleeing with police party on their hot chase. As there were pickets on the way laid by Taragarh police, they could not find a escape route and were nabbed. Seven packets of heroin (each containing one kg) were recovered from them. In my

considered view, both incidents are distinct from each other. Besides, crimes have been committed in different jurisdictions. The plea that there should be joint trial in view of provisions of section 219, 220 or 221 Cr.P.C. is mis-conceived. Bare reading of FIRs in question show that offences cannot be said to have been committed in the course of same transaction. Petition is, thus, without any merit and is hereby dismissed.

In view of the fact that trial of the case at Pathankot is at standstill in view of order October 27, 2014 passed by coordinate bench, trial court would ensure that proceedings are concluded expeditiously.

May 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE