

CRM No. M-4471 of 2016

DECIDED ON: DECEMBER 19, 2016

TALWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE JUSTICE JASPAL SINGH

Present: Mr. Saurav Khurana, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 482 Cr.P.C. petitioner has sought quashing of order dated 08.10.2015 (Annexure P-3) passed by learned Additional Sessions Judge, Patiala vide which the revision petition of the petitioner has been dismissed and the order dated 20.05.2014 (Annexure P-1) passed by Judicial Magistrate Ist Class, Patiala has been upheld.

Concededly, FIR No. 26, dated 06.04.2012, under Section 380 IPC was registered at Police Station Rurkekalan, District Barnala at the instance of Gurwinder Singh son of Sadhu Singh, on the allegations that one motorcycle alongwith some articles of his sheller were stolen. Subsequently, another FIR

No. 76, dated 29.09.2012, under Section 379 and 411 IPC was got registered at

Police Station Bakshiwala on the basis of some secret information and subsequent thereto, a motorcycle bearing registration No. PB-11T-2695 was recovered; besides a tractor trolley. On conclusion on investigation, a report under Section 173(2) Cr.P.C. was presented in case FIR No. 26, dated 06.04.2012 in the Court of Jurisdictional Magistrate, Barnala. The investigation was also conducted pertaining to FIR No. 76 dated 29.09.2012 and on completion of investigation a report under Section 173(2) Cr.P.C. was presented in the Court of Jurisdictional Magistrate, Patiala. In fact, when FIR No. 26, dated 06.04.2012 was already pending investigation with regard to the alleged commission of theft, a fresh FIR No. 76 dated 29.09.2012 was not required to be registered. Rather, on recovery of articles which were allegedly stolen from the sheller of Gurwinder Singh should have been transferred to Police Station Rurkekalan for further investigation.

The presentation of two different challans one at Barnala and another at Patiala in respect of same FIR can only be termed to be as irregularity, which can be removed or undone by exercising powers under Section 482 Cr.P.C. Similarly, it also can be said that petitioner is facing trial, which otherwise amounts to double jeopardy. Both these factors can be undone with the direction that trial pertaining to FIR No. 76, dated 29.09.2012 registered at Police Station Bakshiwala (Patiala) be transferred to the Court, who is already seized of the trial pertaining to FIR No. 26, dated 06.04.2012 registered at Police Station Rurekakalan (Barnala).

Ordered accordingly, with further direction to learned trial Court at Barnala that both these FIRs shall be dealt with and dispose of on one date by one judgment after consolidating both cases. It is expected that after the receipt

of file, trial Court shall make an endeavor to dispose of trial within a period of nine months.

DECEMBER 19, 2016
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>