

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

CRR No. 1568 of 2016

Date of decision : 28.04.2016

Krishan Chander & anr.

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Inder Pal Goyat, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioners have posed challenge to order 11.04.2016 passed by Additional Sessions Judge, Panchkula praying for stay of trial as sanction has not been obtained qua some of the accused from the competent authority.

Learned counsel for the petitioners has submitted that in view of provisions of section 223 Cr.P.C. there has to be joint trial of the accused. According to him, order passed by Additional Sessions Judge, Panchkula is vitiated.

I have heard learned counsel for the petitioners.

It appears that earlier petition i.e. *CRM M-41931 of 2015* was preferred before this court seeking the same relief as sought before the court below. Said petition was dismissed as withdrawn vide order dated 29.01.2016. It appears that some of the accused namely Yudhvir Singh, Chattar Singh and Dr. Ranbir Singh Hooda are not facing trial for want of sanction from the competent authority. I am of the considered view that petitioners cannot be absolved of their liability as some of the accused are not

being sent up for trial due to want of sanction. They cannot seek benefit by raising a hyper technical objection. Besides, their plea has already been rejected in *CRM M-41931 of 2015*. Petition is, thus, without any merit and is hereby dismissed.

April 28, 2016

Ajay

(RAJAN GUPTA)
JUDGE