

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

(109)

CRR-3018-2016

Decided on: August 29, 2016.

Ram Avtar

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. G.P.S. Bal, Advocate, for the petitioner.

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

Learned counsel for the petitioner has inter alia argued that the petitioner has been falsely implicated in the case and the story of the prosecution is absolutely improbable on the face of it. He has also sought the benefit of prima facie plea of alibi of the petitioner.

During course of arguments, learned counsel for the petitioner has sought to draw parity with other accused Sidharth etc.

I have heard learned counsel for the petitioner.

An FIR cannot be quashed merely on the basis of probable defence plea available to an accused.

Learned counsel for the petitioner at this stage seeks permission to withdraw the petition without prejudice to the right of the petitioner to avail the other alternative remedy available to the petitioner including the remedy under Section 216 Cr.P.C.

Disposed of as withdrawn.

It will be open to the petitioner to seek remedy under Section 216 Cr.P.C at any stage of the trial.

**(M.M.S. BEDI)
JUDGE**

August 29, 2016

harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No