

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-12459-2017

Date of Decision:21.11.2017

Dr. Avtar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rajvinder Singh Bains, Advocate,
for the petitioner.

Mr. Atinder Pal Singh Jaurkian, A.A.G., Punjab.

Mr. Vivek Goel, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing summoning order dated 14.06.2016 (Annexure P-3) passed by the learned Additional Chief Judicial Magistrate, Faridkot, whereby the petitioner has been summoned to face trial in FIR No.11 dated 20.02.2014 under Sections 323, 324, 341, 427, 326 read with Section 34 IPC, registered at Police Station Sadar, Faridkot.

On 12.05.2017, this Court has passed the following order:-

“Learned counsel for the petitioner contends that lodging of FIR on 20.02.2014 was found to be a counter blast to the complaint filed under SC/ST Act by the petitioner wherein the complainant of FIR case was summoned vide order dated 29.11.2013. Challan was presented in which petitioner was found to be innocent on the basis of detailed

inquiry done by the Deputy Superintendent of Police with reference to CCTV coverage and phone call details between the parties. The alleged attributions qua the petitioner and his son were found to be false. Petitioner has been summoned without even referring to the material collected by the police during course of investigation.

Notice of motion for 25.05.2017.

Notice re: stay as well.”

Learned counsel for the petitioner has argued that the FIR in question was registered by complainant-Baljit Singh (respondent No.2) and the FIR is a counter-blast to the complaint filed by the petitioner against respondent No.2-complainant.

Learned counsel for the petitioner has argued that the contents of the FIR, as alleged in the statement of respondent No.2-complainant Baljit Singh, who has appeared as PW1 before the learned trial Court, are nothing, but repetition of his initial statement. Therefore, summoning of the petitioner is unwarranted. He has further argued that in view of the CCTV footage retrieved from the residence of the petitioner, on the alleged date and at the time of occurrence, the petitioner was in his house and therefore, he has falsely been implicated in the case. He further states that considering the nature of job of the petitioner, he be granted exemption during trial.

On the other hand, learned counsel for respondent No.2-complainant has argued that in the case in hand, the trial Court has already framed the charge and the same has not been challenged.

Having heard learned counsel for the parties and considering the fact that since charge in this case has already been framed, the petition is disposed of at this stage with liberty to the petitioner to take all possible

pleas as available to him before the learned trial Court.

So far as prayer of the petitioner for the grant of exemption is concerned, he is at liberty to approach the trial Court and the trial Court shall consider such prayer sympathetically.

November 21, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No