

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32446 of 2016

.....

Date of decision:17.2.2017

Gawinder Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Harminder Singh, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing/setting aside of order dated 16.7.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana, in case titled as “State Versus Daljit Singh Chawla” in FIR No.91 dated 28.8.2015 registered for the offences under Sections 308, 323, 506, 326, 148, 120-B and 149 IPC at Police Station Division No.8, Ludhiana. It has further been prayed for quashing/setting aside the order dated 22.8.2016 passed by learned Additional Sessions Judge, Ludhiana in Criminal Revision No.24 of 2016 in case titled as “Gawinder Singh Versus State of Punjab and another” dismissing the revision petition of the petitioner against the impugned order dated 16.7.2016 passed by the learned trial Court. It has been further prayed for directing respondent No.3 to submit a report under Section 173 Cr.P.C. and for issuance of direction to official respondents to protect life, liberty and property of the petitioner and his family members.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that first of all it is admitted before this Court by the learned counsel for the petitioner that challan qua the other accused has already been filed which means the Police has already completed the investigation. If any of the accused has not been challaned, then the petitioner is at liberty to file an appropriate application before the trial Court. Even a copy of the challan has also been placed on record by the petitioner in this FIR. Secondly, the learned Judicial Magistrate Ist Class, Ludhiana, has passed the order recalling the proclamation issued by it. The order passed for issuance of proclamation cannot be held as a final order or judgment, so Section 362 Cr.P.C. will not apply to the interim order. It applies only to the judgment and final orders. Therefore, the learned Judicial Magistrate Ist Class on the application of the accused recalled the warrants as the accused was alleging that non-bailable warrants issued relating to the offences have been deleted during inquiry and the Court has issued the notice of that application by recalling the proclamation. In no way, it can be held that this order amounts to miscarriage of justice or illegal.

Therefore, I do not find any ground to quash the order dated 16.7.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana. Further the revision petition was filed before the learned Additional Sessions Judge, Ludhiana, which has been correctly dismissed vide order dated 22.8.2016 holding that the revision petition is not maintainable

[3]

against the interlocutory orders. No illegality has been committed by the learned Additional Sessions Judge, Ludhiana, by passing the order dated 22.8.2016. Furthermore, the petitioner has also prayed to protect the life and liberty and property of the petitioner and his family members. I have gone through the grounds mentioned by the petitioner and find that no serious threat to life and liberty of the petitioner has been mentioned and no information, particulars have been given on which date, time the threat had been given. Otherwise also, no serious threat to the life and liberty of the family is made out.

Therefore, from the above, finding no merit in this petition, the same is dismissed.

February 17, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No