

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

**CRM No.M-3518 of 2014 (O&M)
Date of Decision: February 07, 2017**

Sham Singh and others

...Petitioners

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Dinarpur, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

None for respondents No.2 to 4.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for staying the proceedings in case FIR No.80 dated 02.04.2013 under Sections 148, 302 and 149 IPC, registered at Police Station Ladwa, District Kurukshetra, till the framing of the charge in cross case/criminal complaint No.94 dated 21.12.2013 titled as 'Sham Singh vs. Jaswinder Singh etc.' under Sections 307, 323, 452 and 34 IPC read with Section 25 of the Arms Act dated 21.12.2013 and for issuance of direction for clubbing the proceedings of both the cases etc.

Notice of motion was issued. Learned State counsel appeared and contested the petition. Earlier, learned counsel for respondents No.2 to

4 appeared but today, none appeared on behalf of respondents No.2 to 4.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

At the time of arguments, it has been brought to the notice of this Court that trial in the main FIR case under Section 302 IPC is also complete and case is now fixed for defence and arguments, whereas the cross version i.e. criminal complaint No.94 dated 21.12.2013 has already been committed to the Court of Session.

As it is the case of version and cross version and the Court is to determine as to who is the aggressor party, therefore, both the cases i.e. FIR case and criminal complaint, should be decided at the same time by the same Court. Learned State counsel did not object to the prayer of learned counsel for the petitioner, who did not press that both the cases be decided together. The prayer of learned counsel for the petitioners is genuine one and otherwise also, it is necessary to decide both these cases of version and cross-version at the same time by the same Court, to determine as to who is the aggressor party etc.

Therefore, finding merit in the present petition, the same is allowed. It is ordered that case FIR No.80 dated 02.04.2013 and criminal complaint case No.94 dated 21.12.2013 be decided on the same date by the same Court. It is further ordered that, if both the cases are pending before different Courts, then the criminal complaint case is transferred to the Court where the FIR case is pending.

February 07, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No