

CRM-M-4424-2017

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

CRM-M-4424-2017

Date of Decision:09.02.2017

Satbir Singh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

INDERJIT SINGH, J.

Petitioners, Satbir Singh, Ranvir Singh and Azad have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 against respondents-State of Haryana and Shiv Parkash for issuance of direction to trial Court not to pass final order, when arguments have been heard on 04.02.2017 and case has been fixed for final order for 09.02.2017 in spite of order of clubbing both cases and decide together the case bearing FIR No.148 dated 27.03.2014, under Sections 148, 149, 323, 324, 326, 307 and 506 of the Indian Penal Code, registered at Police Station City Palwal and criminal complaint against same version, till then case of criminal complaint is pending.

I have heard learned counsel for the petitioners and perused the record.

CRM-M-4424-2017

From the record, I find that qua the occurrence, FIR No. No.148 dated 27.03.2014 was registered and challan was presented and as argued, trial is complete and even the arguments have already been heard and now case is fixed for order before the trial Court.

With regard to criminal complaint, learned counsel for the petitioners admitted that the same was dismissed by learned JMIC and accused were not summoned and then a revision was filed by the complainant in which order was set aside and the accused were summoned by the Court of Session. He also argued that the accused filed a petition before this Court, which was remanded back to the revisional court for fresh decision as the revision was decided without giving notice to the accused and now it is pending before the Court of Session.

Keeping in view the fact that till now, the accused have not been summoned in the complaint case, therefore, I do not find any ground to stay the trial of State case which is already complete and fixed for order. It would have been different situation if the accused had been summoned in the complaint case and then it could be ordered to decide both the cases together. But in the present case, till now the accused have not been summoned by the court, rather learned JMIC has dismissed the complaint and revision is pending before the Court of Session against that order.

CRM-M-4424-2017

In these circumstances, I do not find any ground to stay the trial in FIR case. Therefore, finding no merit in the present petition, the same is dismissed.

09.02.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No