

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

**CRM-M No. 5944 of 2015(O&M)**

**Date of decision: 18.1.2017**

Parshotam Lal

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

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

Mr. Mikhail Kad, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for

Mr. Veneet Sharma, Advocate for respondent No.4.

**REKHA MITTAL, J.(Oral)**

The present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') is for issuance of directions to the respondents not to interfere in the administration of justice and hamper the trial against the accused in FIR No.59 dated 03.04.2013 registered at Police Station Sadar, District Amritsar for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC'). Further directions have been sought against respondents No.1 to 3 to arrest Tarsem Kumar Sharma – respondent No.4 and produce him before the Court.

Counsel for the petitioner has submitted that Tarsem Kumar Sharma – respondent No.4 was declared as a proclaimed offender but later an inquiry was conducted and on the basis thereof, he was sought to be declared as innocent. Still later, an application was filed before the trial Court for discharge of Tarsem Kumar Sharma and the same is pending consideration in view of order dated 05.08.2014 (Annexure P-5) passed by the Additional Sessions Judge, Amritsar. It is further argued that Tarsem

Kumar Sharma @ Pappu – respondent No.4 never joined any proceedings who on the contrary has been declared as a proclaimed offender but still the police has prepared a report in his favour and is now seeking his discharge. Further submitted that the trial against other accused is pending before the Court and some additional accused have been summoned under Section 319 Cr.P.C. but till date, the Court below has not taken any decision on the application for discharge of Tarsem Kumar Sharma @ Pappu – respondent No.4. He has prayed that the present petition may be disposed of with a direction to the trial Court to decide the application for discharge of respondent No.4 in a time-bound manner but without prejudice to rights of the petitioner to take recourse to appropriate remedy in case he has any grievance to express against the order to be passed by the trial Court on the application for discharge.

Counsel for respondents No.1 to 3 has got no objection.

Counsel for respondent No.4 has also agreed.

In view of the above, without commenting upon merits of the allegations sought to be raised by the petitioner against respondent No.4, present petition stands disposed of with a direction to the trial Court to dispose of the application for discharge of Tarsem Kumar Sharma @ Pappu – respondent No.4 within a period of three months from the date of receipt of certified copy of the order. The petitioner would be at liberty to take recourse to remedy in law, if he had any grievance to express against the order to be passed by the trial Court.

**JANUARY 18, 2017**

‘D. Gulati’

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no