

123

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

CRM-M-8789 of 2017

Date of decision: March 16, 2017

Gurinder Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

In the present petition, the petitioner seeks quashing of FIR No.235 dated 02.06.2012, under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station, Ambala City, District Ambala.

Learned counsel for the petitioner agrees that the trial has commenced after the challan has been filed. He further, submits that the petitioner is suffering from several ailments.

In my opinion, the present petition suffers from delay and latches and cannot be entertained after 5 years, though, learned counsel for the petitioner submits that the dispute is purely of civil nature. That may be so, the petitioner is therefore, entitled to contend before the trial Court. At any rate, the petitioner has remedy for filing application for discharge before the trial Court as the trial Court has power to hear on the question of charge depending on the evidence of the witnesses as well.

Hence, the petition stands disposed of, with liberty to raise all the points in the petition. If the application for exemption from personal appearance is filed by the petitioner before the trial Court, the same shall be considered sympathetically.

(A.B. CHAUDHARI)
JUDGE

March 16, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No