

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15019-2017 (O&M)

Date of decision : 20.2.2018

Baljit

... Petitioner

VERSUS

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a petition under Section 482 Code of Criminal Procedure for clubbing trial of case in FIR No.240 dated 25.6.2012 under Sections 147, 148, 149, 323, 324, 452 (307 Indian Penal Code added lateron) and 506 Indian Penal Code registered at Police Station Sadar, Palwal and FIR No.242 dated 27.6.2012 under Sections 147, 149, 323, 506, 452 Indian Penal Code registered at Police Station Palwal.

Earlier the application was moved before learned Additional Sessions Judge who was trying the case State v. Devi Lal. He requisitioned the record and after going through the record of both the cases, observed as under : -

“I have requisitioned the file of case titled as State Vs. Devi Lal, pending in the court of Shri Naresh Kumar, learned Addl. Sessions Judge, Palwal and have perused this file as well as the requisitioned file carefully and a perusal of the same reveals that though the parties in both these FIRs are same and the date

of occurrence as mentioned in both these FIRs is the same. For the limited extent of disposal of this application, it has also been noticed that the place of occurrence as shown in the site plans prepared in both the cases is also the same, but it is clear from the allegations levelled in both these cases that they relate to two different occurrences, though taking place on the same day. The occurrence as mentioned in case bearing FIR No.242 is alleged to have taken place at 4.30 PM on 22.6.2012 whereas the occurrence of case bearing FIR no.240 is alleged to have taken place at 6.30 PM on 22.6.2012. There is no allegation in both these cases that the complainant parties in both these incidents had also caused injuries to the opposite parties. In such circumstances, the version as given in the FIR of this case cannot be stated to be a cross-version of case bearing FIR no.240 of 22.6.2012 and hence, in my opinion, no ground has been made out for passing an order for transfer/assignment of this case to the court of Shri Naresh Kumar, learned Addl. Sessions Judge, Palwal. With these observations, the file is ordered to be sent back to the court of learned Addl. Chief Judicial Magistrate, Palwal with the direction to him to proceed further in accordance with law. The parties are directed to appear before the concerned court after an hour. The file be sent there forthwith. Requisitioned file be also sent back to the concerned court.”

However, this Court also gone through FIR No.240 where occurrence has taken place at 6:30 PM on 22.6.2012 whereas occurrence in

FIR No.242 took place at 4:30 PM on the same day i.e. 22.6.2012.

Although parties are same in both the cases and place of occurrence is also the same, but a bare perusal of the first information reports of both the cases point towards two distinct incidents having taken place at different times.

No case is made out for clubbing the aforesaid two FIRs.

Dismissed.

However, nothing expressed above shall have any bearing on the merits of the case.

February 20, 2018

Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No