

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

CRM-M No.17504 of 2018

Date of decision : 20.07.2018

Surinder Kumar Tayal and another

.....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Arihant Jain, Advocate for the petitioners.

Ms. Bhupinder Kaur, Advocate for
Dr. Surya Parkash, Advocate for the complainant.

Mr. C. L. Pawar, Senior D.A.G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

Learned counsel for the petitioners submits that during the pendency of this petition, petitioner No.2 Rajinder Kumar Tayal alias Babli has expired and qua him, the present petition has become infructuous.

Accordingly, present petition qua petitioner No.2 Rajinder Kumar Tayal alias Babli **stands dismissed as having become infructuous.**

Learned counsel for the petitioners further submits that petitioner No.1 Surinder Kumar Tayal has joined investigation. Learned State counsel, on instructions from ASI Gurjant Singh, also affirms this fact.

However, learned counsel appearing for the complainant has opposed the submissions made by learned counsel for the petitioner.

Allegations under Section 306 IPC are matter of evidence and the same shall be considered by the trial Court during trial. Keeping in view the fact that petitioner No.1 Surinder Kumar Tayal has joined investigation and cooperated with the investigation agency, interim order dated 11.05.2018 passed by this Court in favour of petitioner No.1 Surinder Kumar Tayal is made absolute.

The present petition stands disposed of accordingly.

20.07.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No