

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

Sr.No.257

CRM-M-20727-2018

Date of Decision:08.10.2018

Deepak Kamboj

....petitioner

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Sumit, Advocate for
Mr.G.S.Madaan, Advocate
for the petitioner

Mr.Manreet Singh Nagra, AAG Punjab

ARVIND SINGH SANGWAN, J.(ORAL) :

Prayer in this petition is for quashing of the report/challan under Section 173 Cr.P.C. filed under Sections 25/27/54/59 of the Arms Act and 120-B, 182, 177, 192, 193, 195 read with Section 34 IPC in FIR No.21 dated 16.02.2016 registered at Police Station Division No.3, District Jalandhar as well as the order framing charge and charge-sheet dated 01.03.2018 (Annexure P2 Colly.) under Sections 25/27/54/59 of the Arms Act and 120-B, 182, 177 read with Section 34 IPC.

Reply by way of affidavit of Assistant Commissioner of Police, North, dated 04.07.2018, on behalf of the respondent, has been filed in the Court and the same is taken on record.

In the reply, the detail of the investigation carried out by the police is duly explained. It is stated that the name of the petitioner has surfaced on the disclosure statement of co-accused namely Gaurav Sondhi

@ Goru and Supinder Kumar @ Seepi, made before the Ex-Councillor.

Thereafter, the statement of the aforesaid accused persons under Section 164 Cr.P.C. was also recorded before the Judicial Magistrate First Class, Jalandhar, wherein it was specifically stated that they along with the petitioner had conspired to commit the offence.

The affidavit further stated that during investigation .32 bore revolver was recovered from Supinder Kumar @ Seepi, along with 15 live cartridges and as per the FSL report, it is established that the weapon was in fact used by the accused in the commission of offence.

At the stage, when the petition was filed, charges had already been framed. Learned State counsel, on instructions from ASI Mangat Ram, submits that two prosecution witnesses have already been examined.

Therefore, the present petition without availing the alternative remedy of filing the revision against the order framing charge and in view of the fact that the trial has commenced and two prosecution witnesses have been examined and also considering the reply filed by the State, I find no ground to quash the present FIR. However, liberty is granted to the petitioner to raise all the grievances/pleas during the trial.

The petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

08.10.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No