

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

Criminal Misc.No.M-23106 of 2018 (O&M)

Date of Decision : 01.11.2018

Chamkaur Singh and others

..... Petitioners

Versus

Jarnail Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Gaurav Sharma, Advocate for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of criminal complaint No.99 dated 23.12.2013, filed under Sections 323, 506, 148, 149, 120-B IPC, summoning order dated 19.03.2016, passed by the learned Judicial Magistrate Ist Class, Barnala as well as the order dated 25.04.2018, passed by the learned Addl. Sessions Judge, Barnala and all sub sequent proceedings arisen thereafter, on the basis of the submission made in the petition.

Earlier, the petitioner had also filed a petition i.e. Criminal Misc.No.M-26715 of 2014 for quashing of the said FIR which was dismissed by this Court vide order dated 07.08.2018 which reads as under:-

“Petitioner seeks quashing of private complaint and the summoning order Annexure P7, filed by complainant-respondent No.1 Jarnail Singh.

As per the allegations in the complaint, the petitioner along with others constituted an unlawful assembly and caused injuries on the person of complainant. An FIR bearing No.56 dated 6.6.2013, was also registered under Sections 341 and 323/34 IPC, at Police Station, Barnala in this regard.

The petitioner claims that the allegations of Jarnail Singh were found to be false. As per the complainant,

the FIR was not fairly investigated and under political pressure, no action was taken against the petitioner and other accused, rather the complainant was made an accused at the time of presentation of challan against the complainant and Sandeep Singh. The petitioner claims that the private complaint is a counterblast to the challan.

I have considered the facts and circumstances of the case. The complaint filed by respondent No.1 appears to be a result of inaction on the part of the police and is intended to have been filed to vindicate the original claim.

At this stage, it will not be appropriate to assess and appreciate the strength of the evidence produced at preliminary stage by CW.1, the complainant, and his wife CW.2 Naginder Kaur. This petition is disposed of as premature with liberty to the petitioner to raise all the pleas at the time of framing of charges on the basis of pre-charge evidence produced before the Court.

The instant petition has been filed by the petitioner alongwith seven other accused by concealing the previous one.

A bare perusal of the FIR and the other material available on record, this Court finds that a prima facie case is made out against the petitioners to face trial for the offences under Sections 323, 506, 148, 149 IPC. The impugned order dated 19.03.2016, passed by the learned Judicial Magistrate Ist Class as well as the order dated 25.04.2018, passed by the learned Addl. Sessions Judge, Barnala, do not suffer from any illegality, irregularity or infirmity and do not call for interference and are hereby affirmed.

In view of above, the instant petition stands dismissed.

**(RAJ SHEKHAR ATTRI)
JUDGE**

01.11.2018
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No