

282.

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

CRM-M-27586-2018

Date of decision:21.11.2018

MANPREET SINGH ALIAS MONEY AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder Lucky, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.167 dated 25.10.2016 registered under Sections 302, 148, 149 of IPC at Police Station Beas, District Amritsar (Rural) (Annexure P-1) and order dated 08.03.2017 passed by learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib (Annexure P-2), along with all consequential proceedings.

On 05.07.2018, this Court passed the following order:-

“Learned counsel for the petitioners submits that trial in the present FIR No.167 dated 25.10.2016 under Sections 302, 148, 149 IPC, Police Station Beas, District Amritsar (Rural) has been concluded and the accused who had faced trial have been acquitted, as the prosecution has failed to prove any charge framed against them. He submits that the petitioners were declared proclaimed offender vide order dated 08.03.2017, however, as per the FIR, there is no allegation against the petitioners with

regard to the injuries caused to the deceased. He further states that though trial *qua* the petitioners would be a futile exercise, as the prosecution has not been able to prove its case, but still the petitioners are ready to face the trial.

Notice of motion for 31.08.2018.”

Learned counsel for the petitioners states that the petitioners are ready to appear before the trial Court. He further states that the other co-accused Balwinder Singh, who was named as an accused along with the petitioners, has already faced trial and has been acquitted by the trial Court vide judgment dated 06.02.2018 as the prosecution failed to prove its case. He argued that though in view of law laid down by the Division Bench of this Court in ***Sudo Mandal @ Diwarak Mandal vs. State of Punjab 2011(2) RCR (CrI) 453***, the petitioners should not be made to face the trial once the co-accused has been acquitted, but still the petitioners are ready to face the trial.

Learned State counsel, on instructions from ASI Tejinder Singh does not dispute that the co-accused Balwinder Singh has been acquitted by the trial Court vide judgment dated 06.02.2018. He states that Balwinder Singh joined the proceedings and was acquitted in the case. Now only two persons are facing the trial, whereas the remaining accused are PO including the petitioners.

I have heard learned counsel for the parties.

Considering the fact that the co-accused Balwinder Singh has been acquitted by the trial Court vide judgment dated 06.02.2018, the other co-accused, who surrendered before the trial Court, were admitted on bail and in view of the fact that the petitioners have shown their inclination to face trial, present petition is disposed of with a direction that in case the

petitioners surrender before the trial Court within a week from today, the trial Court shall admit them on bail subject to their furnishing adequate bail bonds/surety bonds and heavy surety, to its satisfaction, however, this would be subject to payment of costs of Rs.25,000/- to be deposited with the Legal Services Authority, Punjab.

(HARI PAL VERMA)
JUDGE

21.11.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No