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

CRM-M-28123-2016

Date of decision:14.12.2018.

MANJIT SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vivek Salathia, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr. Vikas Gupta, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 01.06.2016 (Annexure P-1) passed by learned Sub Divisional Judicial Magistrate, Patti whereby the application filed by the petitioner under Section 210 Cr.P.C. for clubbing of criminal trial in case titled as “State Versus Darshan Singh and others” arising out of FIR No.160 dated 02.08.2011 (Annexure P-2) registered under Sections 326, 323, 324, 420, 148, 149 of IPC at Police Station Patti, District Tarn Taran and Criminal complaint bearing No.101 dated 08.10.2011 titled as “Manjit Singh Versus Angrej Singh and others” under Sections 323, 326, 148, 149 of IPC, was declined.

Learned counsel for the petitioner has argued that for the same ocular version/cross-version, the petitioner has filed a complaint under Sections 323, 326, 148, 149 of IPC against the accused. Further, the FIR No.160 (supra) was also pending in the same Court wherein statement of the

petitioner under Section 313 of Cr.P.C. was required to be recorded. Since both the cases have arisen from the same incident i.e. version and cross-version, it was incumbent upon the trial Court to club the cases as provided under Section 210 Cr.P.C.

Learned counsel for the respondent has not been able to controvert the fact that the FIR case as well as the complaint filed by the petitioner are pending before the same Court. However, he states that evidence in both the cases is different, therefore, there is no illegality in the order dismissing the complaint filed under Section 210 Cr.P.C. by the petitioner-complainant.

I have heard learned counsel for the parties.

Once it is a matter of record that the petitioner has filed a complaint under Sections 323, 326, 148, 149 of IPC and the FIR No.160 (supra) is pending before the same Court and the occurrence is the same, it was incumbent upon the trial Court to club both the cases and to try these cases together. Otherwise, there would be enough possibility of contradictory judgments in the cases.

Accordingly, this Court finds that the order dated 01.06.2016 passed by learned Magistrate (Annexure P-1) suffers from illegality. The same is set aside and the present petition is accepted. The trial Court is directed to club both the cases and to try the same together in accordance with law.

(HARI PAL VERMA)
JUDGE

14.12.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No