

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.116+257

CRM-M-3633-2016 (O&M)

Date of decision : 24.09.2018.

Neeraj Goyal

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anup Singh, Advocate, for the petitioner.

Mr. R.S. Bains, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

CRM-33646-2018

Notice of the application.

Mr. R.S. Bains, DAG, Punjab, accepts notice and he has no objection in case the application is allowed.

The application is allowed subject to all just exceptions.

Documents annexures A1 to A3 are taken on record.

CRM-M-3633-2016

Status report dated 10/14-09-2018 on behalf of respondent No.1 has been filed in Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

The grievance of the petitioner is that FIR No.236 dated 10.12.2015 has been registered against him, even though, he had surrendered before the trial Court prior to the registration thereof.

Learned State counsel submits that the charge has been framed against the petitioner and his application for discharge has also been rejected. Reference is made to order dated 13.06.2017, which makes it clear that application for discharge was rejected on the ground that subsequent

events about bail or acquittal of the accused in the main case is not relevant

for framing of charge. No effort was made by the petitioner to prove by way of cogent evidence that he had infact surrendered prior to the registration of the FIR and thus, he deserves to be discharged.

In view of the above, I cannot place reliance upon the affidavit of the counsel to conclude that the petitioner had surrendered before the trial Court prior to the registration of the FIR.

There is no merit in this petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

24.09.2018
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No