

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

CRM-M-44258 of 2018.

Decided on:-October 06, 2018.

Balbir Singh.

.....Petitioner.

Versus

Gurdeep Singh and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Gagandeep Grewal, Advocate
for the applicant-petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the complaint No.274/1 dated 21.01.2016 (Annexure P-1) titled as “*Gurcharan Singh Versus Balbir Singh and others*” under Sections 323, 506 and 452 read with Section 34 IPC pending in the Court of learned Judicial Magistrate 1st Class, Moga and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner has argued that the aforesaid complaint was filed by Gurcharan Singh son of Nand Singh. However, Gurcharan Singh has died and now his son Gurdeep Singh (respondent No.1 herein) is pursuing the said complaint.

She further states that co-accused Nirmal Singh against him similar allegations levelled in the complaint, was initially convicted under Sections 323, 452 and 506 IPC by the trial Court vide judgment dated

11.10.2013, but on his appeal having been filed against the said judgment, learned Additional Sessions Judge, Moga vide judgment dated 14.08.2014 accepted the appeal and acquitted him of the charges framed against him.

She has further contended that the petitioner is presently residing in Canada and the very complaint filed by the respondent is well-motivated and is aimed at to harass him. The petitioner had also filed a petition i.e. *CRM-M-35627 of 2017* titled as *Balbir Singh Versus Gurdeep Singh and another* before this Court seeking quashing of the order dated 13.09.2011 passed in the complaint tiled as *Gurcharan Singh Versus Balbir Singh and others*, whereby the petitioner was declared as a proclaimed offender. The aforesaid petition was disposed of by this Court vide order dated July 12, 2018 with a direction that in case the petitioner appears before the trial Court within two months from that date i.e. July 12, 2018, the trial Court shall admit him on bail subject to furnishing of his adequate bail bonds/surety bonds to is satisfaction. Pursuant to the said order, the petitioner appeared before the trial Court and was admitted on bail. Even co-accused Nirmal Singh has also been acquitted by learned appellate Court. Therefore, the aforesaid complaint deserves to be dismissed.

Having heard learned counsel for the petitioner and considering the fact that the petitioner, who is a resident of Canada and has already appeared before the trial Court coupled with the fact that co-accused Nirmal Singh has been acquitted by learned appellate Court vide judgment dated 14.08.2014, the present petition is disposed of with a direction to the trial

Court to expedite the trial and to conclude the same preferably within a period of three months from today.

October 06, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No