

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

Crl. Misc. No.M-5377 of 2018 (O&M)

Date of Decision: 20.03.2018

Chandan Deep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. K.S. Dadwal, Advocate, for the petitioner.
Mr. J.S. Walia, Sr. DAG, Punjab.
Ms. Neha Jain, Advocate
for respondent no.2 (complainant).

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks quashing of the order dated 31.01.2015 (Annexure P-7), by which he has been summoned along with one Karam Singh to face trial for the commission of offences punishable under Sections 452, 307, 323, 148, 149 IPC, the summoning having been issued on an application filed under Section 319 Cr.P.C. by the prosecution.

The contention of the petitioner was that the complainant, (respondent no.2, Harmesh Singh), had as a matter of fact not stated that the petitioner had ever committed any offence including scaling wall of the house of the complainant, as even recorded before the trial court while testifying as PW-1, (a copy of the said testimony being annexed as Annexure P-9), a perusal of which shows to the effect that the complainant had not named the petitioner, Chandan Deep, as the one who had entered his

house by jumping the wall.

Consequently, vide an order dated March 09, 2018, by which respondent no.2 had been impleaded as such in the petition, the petitioner and the said respondent had been directed to appear before the trial court on 12.03.2018, with respondent no.2 to identify himself by way of his passport.

Mr. Dadwal has produced in Court today a certified copy of the order dated 15.03.2018 passed by the learned Addl. Sessions Judge, Hoshiarpur, as also certified copies of the statements of the petitioner and respondent no.2, to the effect that the petitioner, who was present before the trial court on that date, was not the same person who had entered the house of the complainant, respondent no.2, on 20.11.2013.

That being so, without commenting on whether the complainant -respondent has been subsequently won over or not, also looking at the allegation against the petitioner, this petition is allowed and FIR no.95 dated 23.11.2013, registered at Police Station Hariana, District Hoshiarpur, for the alleged commission of offences punishable under Sections 452, 307, 148 and 149 IPC, is hereby quashed qua the petitioner, along with all proceedings arising therefrom, including, naturally, the order Annexure P-7 (again qua the petitioner).

20.03.2018
vcgarg/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No