

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

**LPA No.18 of 2018 (O&M)
Date of Decision: 14.05.2018**

Dr. Harbans Singh Sodhi

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM:-HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. S.C.Arora, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.

The instant appeal has been filed under Clause X of the Letters Patent against judgment dated 09.11.2017 passed by the learned Single Judge dismissing Civil Writ Petition No.25473 of 2017.

Briefly noticed, appellant filed writ petition seeking compensation for having been falsely implicated and illegally confined in jail upon registration of FIR No.30 dated 02.04.2010, under Sections 406, 420, 498A, 376 and 34 IPC, registered at Police Station Kot Bhai, Tehsil Gidderbaha, District Muktsar.

Learned counsel for the appellant has argued that Gurdev Singh had got registered the criminal case against the appellant as also his wife and consequently they had been arrested and were bailed out after a period of one month when charge under Section 376 IPC was not pressed by the prosecution.

It is contended that under such situation appellant was

entitled to be granted compensation by the Writ Court. Further argued that Trial Court lacks pecuniary jurisdiction to award adequate compensation.

Having heard learned counsel at length and having perused the case paper book we are of the considered view that there is no merit in the instant appeal.

Concededly trial is still pending. Even otherwise registration of an FIR is not a conclusive indicator as regards complicity of an accused of the offences cited in the FIR. Appellant has not been charged for offence under Section 376 IPC. We also find that in the writ petition filed by the appellant seeking issuance of a writ of mandamus for grant of compensation, complainant had not even been arrayed as a respondent.

We are in agreement with the view taken by learned Single Judge declining grant of compensation during pendency of the trial.

Appeal is dismissed.

Suffice it to observe that it would be open for the appellant to raise a claim for compensation at the appropriate stage under Section 357 of the Code of Criminal Procedure from the competent Court.

Appeal dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

14.05.2018

vandana

Whether speaking/reasoned

Whether Reportable

(TEJINDER SINGH DHINDSA)
JUDGE

Yes/No

Yes/No