

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-2318-2019 (O&M)
Date of Decision: 13.2.2019

Ram Narayan

.....PETITIONER(s).

VERSUS

State of Haryana and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.

This is a petition under Section 482 of the Code of Criminal Procedure for quashing the impugned order dated 14.11.2018 passed by learned Special Judge-cum-Additional Sessions Judge, Rohtak vide which the application of the petitioner for clubbing cases i.e. FIR No.17 dated 10.1.2018 registered under Sections 376, 452, 506 of Indian Penal Code at Police Station Kalanaur, District Rohtak and FIR No.23 dated 11.1.2018 registered under Sections 323, 342, 325, 34 of Indian Penal Code at Police Station Kalanaur, District Rohtak has been dismissed.

Heard.

In this case, the petitioner entered the house of the prosecutrix and committed rape upon her. When she raised alarm, her family members reached at the spot. Thereafter, the petitioner inflicted

injuries upon them.

On the statement of the prosecutrix, FIR No.17 dated 10.1.2018 was registered against the petitioner. However, the petitioner also lodged an FIR with regard to infliction of injuries.

To the mind of this Court, both the occurrence are distinct and evidence is not common and, therefore, they cannot be tried together.

Learned counsel for the petitioner has relied upon the judgments of this Court in **Amarjjit Singh v. State of Haryana**; 2012 (2) RCR (Criminal) 635 and of Delhi High Court in **Satpal v. State of others**; 2014 (42) RCR (Criminal) 259 but the facts of those cases are distinguishable on facts.

In view of the above, the impugned order does not suffer from any illegality, infirmity and irregularity. Resultantly, this petition is dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

February 13, 2019
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>