

CRM-M-20181-2018

Date of decision: March 19, 2019

Jagjit Singh @ Jaggi

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. V.P. Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the instant petition is for quashing of the impugned FIR No.17 dated 16.12.2014 under Sections 18, 21, 29 and 61 of the NDPS Act and Section 307 IPC, Sections 25, 54 and 59 of the Arms Act, Section 14 Foreign Act, Sections 3, 34, 20 IP Act registered at Police Station, State Special Operation Cell, Amritsar and further issuance of directions to the trial Court to decide the application for discharge moved by the petitioner, expeditiously.

Vide order dated 29.1.2019, report was sought from the trial Court, which reads as under :-

“I have the honour to submit that application moved by Jagjit Singh @ Jaggi in case FIR No.17 of 2014 for his discharge has been lying in Nathi-B. When this application was moved on 27.3.2017, the case was pending before the Court of Shri Rajnish Garg, then then learned Judge, Special Court, Gurdaspur. Ziminies order do not depict pendency of this

application and case was received by way of transfer in this Court on 9.8.2017. This application was never pressed by counsel for accused/applicant Jagjit Singh @ Jaggi. Since there was no reference of application in zimni orders and application was never pressed by counsel for accused, so it did not come to notice of this Court and it remained pending due to these *bonafide* reasons.

It is pertinent to mention here that charge against accused/applicant has already been framed on 8.9.2015 i.e. much before the date of application. Voluminous evidence has already been recorded by this Court and one or two witnesses remain to be examined.”

A perusal of the report shows that the charges were framed against the petitioner on 8.9.2015, i.e. much before the filing of the application for discharge and the petitioner never pressed the application and in the meantime, the prosecution evidence started and only one/two witnesses remained to be examined.

In view of the same, counsel for the petitioner seeks permission to withdraw this petition with liberty to the petitioner to take all the pleas/defences taken in the present petition before the trial Court at appropriate stage.

Dismissed as withdrawn with liberty aforementioned.

(ARVIND SINGH SANGWAN)
JUDGE

March 19, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No