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

CRM-M-41137-2017 (O&M)

Date of Decision: 31.10.2019

Dalbir Dass @ Dalvir Dass

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Ishan Gupta, Advocate for the complainant.

...

Manoj Bajaj, J.

Petitioner Dalbir Dass @ Dalvir Dass has filed this petition under Section 482 Cr.P.C. to challenge the orders dated 07.08.2017 passed by Id. Addl. Session Judge, Sangrur, whereby charges were framed against him, in case FIR No.36 dated 25.05.2015, under Sections 307, 452, 483, 323, 427 and 34 IPC and Section 30/54/59 of the Arms Act, 1959, registered at Police Station Sadar, Sangrur. The FIR was registered at the instance of complainant Jasvir Singh against the petitioner and two others, namely, Salim Khan and Deepak Kumar.

Notice of motion in the petition was issued on 15.02.2018 and the proceedings qua the petitioner were stayed. In response to the notice of motion, a reply by way of affidavit dated 15.10.2018 of Satpal Sharma, PPS, Deputy Superintendent of Police, Sub Division, Sangrur was filed, wherein it was mentioned that the trial in respect of the co-accused Salim Khan ended in conviction through judgment dated 26.03.2018, who was awarded

a rigorous imprisonment for five years and a fine of ₹10,000/-. Co-accused

Deepak Kumar was stated to be proclaimed offender.

Learned counsel for the petitioner has contended that the petitioner has no role in this occurrence as the alleged gun shot was fired by the co-accused and, therefore, the order framing charges is bad in law and he deserves to be discharged. He contends that injuries received on the non vital part of the person of the injured and, therefore, the offence punishable under Section 307 IPC is not attracted. He submits that the impugned order suffers from grave illegality and warrants interference.

On the other hand, learned State counsel has opposed the prayer and submitted that the order passed by the trial Court is justified and correct in law. According to him, there was sufficient material collected during the investigation to indict the petitioner as an accused. He has submitted that the weapon used in the crime i.e. pistol .32 bore (7.65 mm) RP139402 GSF-IN-2008 was owned by accused/petitioner Dalbir Dass @ Dalvir Dass and he allowed the same to be used by co-accused Deepak Kumar, who caused injuries upon the victim Jasvir Singh. He has contended that the petitioner was present at the spot and was sitting in the car.

After hearing the learned counsel for the parties, this Court finds that the trial Court has rightly proceeded to frame the charges against the petitioner. A perusal of the impugned order clearly reveals that the Court has carefully examined the final report under Section 173 Cr.P.C. while observing that the prima facie case under Sections 307, 452, 483, 323, 427 and 34 IPC and Section 30/54/59 of the Arms Act, 1959 is made out against the accused.

It needs to be added here that the prosecution has set up a common case against all the three accused and has successfully brought home the guilt of accused Dalbir Dass @ Dalvir Dass.

Considering the above, this Court does not find any illegality or impropriety in the impugned order, therefore, the petition is dismissed.

31.10.2019

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No