

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

**CRM-M-44094-2018 (O&M)
Date of Decision 11.09.2019**

Rachhpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Kuldip Singh, Advocate for the petitioner.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Ms.Manu Loona, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

On 06.10.2018, following order was passed:-

“The learned counsel contends that although the alleged occurrence, as per the complaint, is stated to have taken place on 19.10.2016 at about 06:00 PM in Village Arniwala Mandi, District Fazilka, but infact the petitioner, who is pursuing Ph.D. from Punjabi University, Patiala, was present in Patiala on 19.10.2016, as would evident from the attendance sheet (Annexure P-5).

Notice of motion for 13.11.2018.

Notice re: stay as well.”

Prayer in the petition is to quash criminal complaint and summoning order.

Petitioner is taking a plea of alibi on the ground that he was not present on the date of incident in the village.

In the considered view of this Court, the plea of alibi has to be proved after leading evidence. Hence, the fact which is required to be proved by leading evidence can be appreciated by the trial court.

Disposed of.

11.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No