

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

CRM-M No.51029 of 2018

Date of Decision: 18.01.2019

Sandeep Singh alias Gaggi alias SagguPetitioner

Versus

State of Punjab and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Raman Goklaney, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.55 dated 07.06.2010 registered under Sections 409, 457, 380, 120-B IPC at Police Station Sadar Nawanshahar, District SBS Nagar along with other consequential proceedings arising therefrom including the order of framing of charge in view of judgment dated 25.04.2017, whereby, the co-accused of the petitioner have been acquitted of the charge by the trial Court.

Learned counsel for the petitioner submits that out of total five accused, three were declared as a proclaimed offender vide order dated 24.07.2015 and the trial was proceeded against remaining accused. There were total 29 witnesses and after examination of prosecution witnesses, two accused were acquitted of the charge vide judgment of the trial Court dated 25.04.2017. The evidence against the petitioner is also the same and the petitioner is also entitled for acquittal being at par with co-accused who

have already faced trial and have been acquitted.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

The FIR, in question, is of dated 07.06.2010 and the petitioner remained as a proclaimed offender for a long period. When other accused have been acquitted, he has filed the present petition for quashing of FIR on the ground that they have been acquitted and the allegations against him are also the same and no separate trial is required.

It cannot be said at this stage that the same evidence is there against the petitioner as it is to be seen by the trial Court. The petitioner has surrendered before the trial Court and has been released on regular bail. Thereafter, the charges have been framed and FIR cannot be quashed. However, the present petition is disposed of with a direction to the trial Court to make all efforts to conclude the trial preferably within a period of four months from the date of receipt of certified copy of the order.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

18.01.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No