

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

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CRM-M-35806-2019 (O & M)
Date of Decision:29.08.2019

Gurnam Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.S. Bhullar, Advocate for the petitioners.

MANOJ BAJAJ, J.(ORAL)

Through this petition, filed under Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.99 dated 16.09.2013 for the offences punishable under Sections 307, 379, 365, 342, 353, 186, 148, 149, 120-B IPC and Sections 25, 27, 54 of the Arms Act, registered at Police Station Sangat, District Bathinda, (Annexure P-1), the charge sheet dated 22.03.2018 and also the order dated 09.01.2019 passed under Section 319 Cr.P.C. whereby petitioner Nos.4 to 7 were summoned as an additional accused.

Learned counsel for the petitioners contends that the chances of conviction are bleak and, therefore, it is a fit case where the power under Section 482 Cr.P.C. should be exercised. Reliance has been placed upon the judgment of Hon'ble Supreme Court in **Prabhu Chawla versus State of Rajasthan, 2016 (16) SCC 30.**

Learned counsel is unable to justify the delay in approaching the Court for invoking the inherent powers under Section 482 Cr.P.C. as the FIR was registered on 16.09.2013, whereas petition has been filed in August, 2019. Further it is not disputed that petitioner Nos.1 to 3, who

never challenged the FIR or the order framing charges have also joined the other petitioners to challenge the prosecution, that too after commencement of trial.

Learned counsel is unable to furnish the details of the order framing charges after summoning of the additional accused by the trial Court. Apart from it, the final report filed under Section 173 Cr.P.C. as well as the order on charge against the accused persons have not been filed with the petition, therefore, it will not appropriate to invoke inherent power under section 482 Cr.P.C. The judgment of **Prabhu Chawla's** case (supra) relied upon the learned counsel may not be helpful in the above background.

Dismissed.

29.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No