

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

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**CRM-M-46816-2019
Date of Decision : 02.11.2019**

Sachleen Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ranjit Singh Ghuman, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition for quashing of FIR No.182 dated 08.11.2007 registered under Sections 324 and 356 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Division No.5, Jalandhar and all subsequent proceedings arising therefrom.

The petitioner-Sachleen Singh along with Ashok Kumar @ Happy and Anil Kumar @ Luther was charge-sheeted by the SHO, Police Station Division No.5, Jalandhar to face trial under Sections 324 and 356 of the IPC. Accused Ashok Kumar @ Happy and Anil Kumar @ Luther were tried by learned Judicial Magistrate, 1st Class, Jalandhar. Due to material witnesses PW-1 Sunny Hans and PW-2 Babbu not having supported the case of the prosecution, they were acquitted by learned Judicial Magistrate, 1st Class, Jalandhar vide judgment dated 29.01.2011. Due to unavoidable circumstances, the petitioner had gone abroad to earn his livelihood. The petitioner is stated to have been declared proclaimed offender vide order dated 08.04.2010 passed by learned Chief Judicial Magistrate, 1st Class, Jalandhar.

The petitioner pleaded in the petition that due to the above-said witnesses not having supported the case of the prosecution subjecting the petitioner to trial will be an exercise in futility and sheer wastage of precious time of the Court. However, at the time of arguments, learned Counsel for the petitioner has not pressed the prayer for quashing of the FIR and all subsequent proceedings arising

therefrom and submitted that the petitioner is ready and willing to surrender before the trial Court and join the proceedings and prayed that the trial Court may be directed to expedite the trial.

Advance copy of the petition was served on respondent No.1-State of Punjab. Issuance of notice to respondent No.2-complainant is considered to be unnecessary.

Learned State Counsel has no objection if the petitioner is directed to surrender before the trial Court and join the proceedings.

In view of the facts and circumstances of the case, the petitioner is directed to surrender before the trial Court within three weeks from today and in case the petitioner so surrenders before the trial Court, he shall be released on regular bail on furnishing of bail bonds by him to the satisfaction of the trial Court.

The trial Court is directed to expedite the proceedings and conclude the trial preferably within two months from the date of appearance of the petitioner before it. However, the trial Court shall be at liberty to seek extension of time if the situation so warrants.

With the aforesaid directions, the present petition stands disposed of.

(ARUN KUMAR TYAGI)
JUDGE

02.11.2019
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No