

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

1. CRM-M-25189-2009

Date of Decision: 21.11.2022

Raj Kumar Gupta and others ... Petitioner (s)

Vs.

State of Haryana and others ... Respondents

2. CRR-2657-2013

Raj Kumar and others ... Petitioner (s)

Vs.

State of Haryana ... Respondent

CORAM : HON'BLE MS. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Munish Gupta, Advocate for the petitioner.

Mr. Ashwani Kumar Chopra, Sr. Advocate with
Mr. Vipul Kapoor, Advocate for petitioner No.6.

Mr. Deepak Grewal, D.A.G. Haryana.

Mr. Nagar Singh, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

By this common order, both the aforementioned petitions shall be decided together being arising out of the same FIR and connected to each other.

This petition is pending since 2009. There is no stay of proceedings. It is noticed in one of the order dated 6.12.2012 that if the trial Court opts to frame charges, the personal appearance of Chander Kishore Gupta and Varinder Kishore Gupta who are aged about 88 years and 86 years, respectively, may be exempted.

On 21.10.2015, the trial Court was directed to expedite the trial and conclude the same as early as possible. Again on 11.11.2022, it was directed that status report be filed about the stage of the trial.

Affidavit of Deputy Superintendent of Police, Shahabad, Kurukshetra is filed. As per the affidavit, charges were framed on 5.8.2013. As on today, the entire prosecution evidence is complete. The statement of the accused under Section 313 Cr.P.C also stands recorded and the case is now fixed for 2.12.2022 for defence evidence and arguments.

It is also stated that an application filed under Section 319 Cr.P.C was partly allowed on 8.2.2017 by learned Judicial Magistrate Ist Class, Shahabad (M)

and the revision thereof also stands dismissed on 3.8.2022 by Additional Sessions Judge, Kurukshetra.

Learned counsel for the petitioner has, however, argued that a civil suit between the parties also stands decided and suit is dismissed, therefore, the criminal prosecution of the petitioner is not maintainable.

In view of the same, these petitions are disposed of. However, liberty is granted to the petitioner to raise all the pleas/defences during the course of their defence evidence. The trial Court is further directed to disposed of the trial as expeditiously as possible.

21.11.2022
rajeev

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No