

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32818-2015 (O & M)

Date of decision: 08.08.2022

Kuldeep Sood

..... Petitioner

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Narang, Advocate, for the petitioners

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. H.S. Randhawa, Advocate,
for Mr. P.S. Ahluwalia, Advocate,
for respondent No.4.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petitioner under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 and 3 to proceed further against respondent No.4/Brij Lal in case FIR No.107 dated 22.10.2007 under Section 307, 341, 148 and 149 IPC (Sections 326, 341 and 34 IPC added later on) with Police Station Banur, District Patiala.

The learned counsel for the petitioner submits that initially six accused were named in the FIR but the challan was submitted only against accused-Gurdeep Singh and four of the accused had been placed in Column No.II whereas qua respondent No.4-Brij Lal, the proceedings/investigation remained pending. Thereafter, the trial proceeded against Gurdeep Singh and he was convicted under Section 326 IPC. He contends that a fresh

challan be submitted against respondent No.4-Brij Lal and proceedings/Trial be conducted against him as well.

The learned counsel for respondent No.4, on the other hand, submits that during the course of the trial against Gurdeep Singh, respondent No.4-Brij Lal was exonerated and, therefore, the remedy, if any, available with the petitioner at that stage was to move an application under Sections 193 Cr.P.C. or 319 Cr.P.C. to get respondent No.4 summoned as an additional accused to face trial alongwith Gurdeep Singh. That not having been done, the present petition is certainly not maintainable.

The learned counsel for the State does not dispute the factual position as narrated above as well as the proposition of law as enumerated by the learned counsel for respondent No.4-Brij Lal.

I have heard the learned counsel for the parties.

Admittedly, the trial proceeded against the accused-Gurdeep Singh, who came to be convicted under Section 326 IPC. On appeal, his conviction under Section 326 was set aside and he was found liable for having committed an offence under Section 324 IPC and released on probation. The answering respondent No.-Brij Lal was exonerated in the police investigation during the course of the trial against accused-Gurdeep Singh, and therefore, the remedy available with the petitioner at that stage was to invoke the powers of the Court under Sections 193 Cr.P.C. or under Section 319 Cr.P.C.. That not having been done, the present petition is not maintainable at this stage, after the trial has concluded against accused-Gurdeep Singh.

In view of the above, I find no merit in the present petition.

Dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2022
sukhpreet

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